



ESSA FEDERAL FISCAL SPENDING HANDBOOK

FY 17-18

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**THIS DOCUMENT PROVIDES GENERAL
GUIDANCE ON HOW KENTUCKY
LOCAL EDUCATIONAL AGENCIES
(LEAS) MAY SPEND FEDERAL FUNDS
UNDER THE EVERY STUDENT
SUCCEEDS ACT (ESSA).**

The Kentucky Department of Education (KDE) appreciates and acknowledges the critical work of the Council of Chief State School Officers (CCSSO) in developing the draft template upon which this Kentucky-specific handbook is based.

General Provisions

1. General Spending Considerations

There are three general spending considerations for all of the programs discussed in this handbook.

First, all costs charged to the United State Department of Education (ED) grants must be **necessary and reasonable** considering the amount of money being spent and the needs of the program.¹ This requirement comes from a set of federal regulations known as the Uniform Grant Guidance (UGG), which applies to all federal grants including ED grants.² The UGG affects ED grant spending in a number of ways. It:

- Lists costs that may never be paid for with federal funds.³ For example, federal funds can never pay for alcohol⁴ and typically cannot pay for lobbying.⁵
- Lists general criteria all costs supported with federal funds must satisfy.⁶ For example, federal funds can only pay for costs that are allocable to the relevant grant.⁷
- Sets additional requirements for certain costs supported with federal funds.⁸ For example, LEAs that use federal funds for employee salaries and benefits must keep records documenting how much time the employees spent on grant activities.⁹
- Sets rules for how LEAs procure goods and services with federal funds,¹⁰ how they track items paid for with federal funds,¹¹ and the kinds of records they must keep about their grant spending.¹²

Second, activities supported by ED funds must be **consistent with the LEA's application** for funds approved by the SEA.¹³

Third, as discussed throughout this document, some ESSA programs require LEAs to spend on activities that are supported by evidence, are demonstrated to be effective, or that are consistent with a formal needs assessment. Even where this is not required, ED grant spending has the most impact when LEAs spend federal funds on effective activities designed to meet program goals. To do this, LEAs are encouraged to:

- Carefully consider the needs of students, educators, and other relevant shareholders,
- Determine which activities are most likely to effectively address those needs, and
- Prioritize those activities when deciding what costs to support with ESSA funds (unless those activities are being paid for by other funding sources).

¹ 2 CFR 200.403(a).

² The Uniform Grant Guidance (UGG) is contained in Part 200 of Title 2 of the [Code of Federal Regulations](#). Federal guidance and other resources about the UGG are available on the [US Department of Education's Laws & Guidance website](#).

³ See 2 CFR Part 200, Subpart E.

⁴ 2 CFR § 200.423.

⁵ 2 CFR § 200.450.

⁶ See 2 CFR § 200.403.

⁷ 2 CFR § 200.403(a).

⁸ See 2 CFR §§ 200.420-200.475.

⁹ 2 CFR § 200.430.

¹⁰ 2 CFR §§ 200.317-200.326.

¹¹ 2 CFR §§ 200.313-200.314.

¹² See, for example, 2 CFR § 200.318(h)(i) for procurement records or 2 CFR § 200.302(b)(3) for financial records.

¹³ 34 CFR § 76.700.

I. Maintenance of Effort

LEAs that receive Title I funds must comply with a maintenance of effort (MOE) requirement.¹⁴ In short, MOE requires districts to maintain a consistent floor of state and local funding for free public education from year-to-year. Each year, LEAs receiving funds under ESEA must ensure that district or per-pupil spending of state and local funds remains at 90% or above what was spent in the preceding year. For those LEAs that fail MOE in both calculations (i.e., districtwide and per-pupil spending), the smaller percentage is used as the amount of the reduction. An LEA must fail to comply twice within a five-year span before any reduction in federal funding.

Example: School district A spent \$10,000 per pupil in state and local dollars in the 2014-15 school year with total district expenditures of \$1,000,000. School district A must spend at least \$9,000 per pupil (90% of \$10,000) or have total district expenditures of \$900,000 in 2015-16 to comply with the MOE requirement.

II. Equitable Services

Federal funds are subject to equitable services requirements, as detailed in Title I and Title VIII of ESSA. In short, this means Districts must reserve funds to provide services to eligible private school participants. ESSA in Sections 1117 and 8501 requires that timely and meaningful consultation between the LEA and Nonpublic School officials occurs prior to any decision that affects the opportunities of eligible Nonpublic School students, teachers, and other educational personnel for equitable services. This consultation must be ongoing, continuing throughout the implementation and assessment of these activities. To help ensure equitable services and other benefits are being provided for eligible Nonpublic School students, teachers, and other educational personnel, the state must designate an ombudsman to monitor and enforce the requirements under both Title I and Title VIII. Kentucky has designated an ombudsman for equitable services who may be reached at KPSO@education.ky.gov.

Private school officials may file a complaint with the ombudsman if they believe adequate consultation has not occurred or if they believe services are not equitable. In this case, the complainant would send an email with electronic signature to the address above stating the nature of the complaint. The ombudsman would have 45 days from receipt to complete an investigation and issue a decision. A private school official may appeal the KDE decision to the U.S. Secretary of Education within 30 days of issuance. The Secretary must investigate and resolve the appeal within 90 days of its receipt.

More information about program-specific issues relating to equitable services are listed under each program in further detail.

III. Sample Timeline of Kentucky-Specific Activities

This sample timeline serves as an example of activities that must occur through the year. It may be revised to meet your district's needs.

Sample Timeline	
Suggested timeframe	Corresponding activity
January - February	<ul style="list-style-type: none">• Begin to review CSIP/CDIP, consult with shareholders, and review other data sources in order to identify professional learning, class size reduction, and recruiting/retention needs.• Review the Census population estimates to determine the potential effects on allocations. These are usually released through the Commissioner's Monday email.
March - April	<ul style="list-style-type: none">• Send participation letters to all private schools, including home schools, within the district boundaries.• Conduct consultation with participating private school staff regarding the implementation of programs or activities paid for with funds provided under ESEA, including the consideration of both student and staff professional learning needs.• Districts must complete the Intent to Participate under Title III in GMAP by April 16. The districts indicate whether they will apply for Title III grants as a stand-alone district, act as a fiscal agent for a consortium, join as a consortium, or release their Title III funds to be reallocated to other districts.
May - June	<ul style="list-style-type: none">• Complete and submit the Title Budgets (for Title I, II, III and IV) within GMAP based on the tentative amounts.
July	<ul style="list-style-type: none">• Districts with approved consolidated applications may begin spending new fiscal year funds on July 1. Funds allocated for the new fiscal year may not be spent for activities that occur prior to July 1, even if the district's application is approved. This spending requirement cannot be waived.
August - September	<ul style="list-style-type: none">• Send a letter to all parents about their right to request and receive information on the qualifications of their children's teachers. This may be included in the student handbook. This is a requirement for both Title I and Title II and the information for both programs may be sent jointly.• Begin provision of Title services to private schools concurrently with public schools.
October - December	<ul style="list-style-type: none">• Final allocations are released by the federal government and districts are notified. Revised Title Budgets (for Title I, II, III, IV) are submitted to KDE for approval through GMAP.

Spending Title I, Part A Funds to Support Student Achievement

Title I, Part A is the ED's largest K-12 grant program.¹⁵ It provides supplemental funding to help low-income schools improve the academic achievement of educationally disadvantaged students.

ED awards Title I funds to state educational agencies (SEAs), which then subgrant funds to LEAs. LEAs retain some money to carry out certain activities, and then must allocate the rest to eligible schools.

This document:

- Provides an overview of the Title I, Part A program,
- Addresses the use of Title I, Part A funds by LEAs,
- Addresses the use of Title I, Part A funds by schools operating "schoolwide programs,"
- Addresses the use of Title I, Part A funds by schools operating "targeted assistance programs,"
- Clarifies the allowable use of funds in low-performing Title I schools that have been identified for comprehensive or targeted support and improvement, and
- Addresses key fiscal tests LEAs must meet as a condition of receiving Title I, Part A funds.

For convenience this section will refer to the program as "Title I." For more information about Title I please contact the appropriate [KDE Title I Consultant](#).

¹⁵ Title I is a title of the Elementary and Secondary Education Act (ESEA). ESEA was most recently amended by the Every Student Succeeds Act (ESSA). For simplicity, the rest of this document will use the abbreviation "ESSA" when citing to the most recent version of the Elementary and Secondary Education Act. This document will use the abbreviation "NCLB" when citing to the prior version of ESEA, the No Child Left Behind Act.

Title I, Part A is the focus of this section of the spending handbook. Please note the following sections of Title I that are technically not included in Part A but are also relevant to spending:

- Section 1001 describes the purpose of Title I,
- Section 1002 sets authorized appropriation levels (that is, the maximum Congress can appropriate for each of the Title I programs),
- Section 1003 is the School Improvement Program,
- Section 1003A is the Direct Student Services Program (a new program option under ESSA), and
- Section 1004 authorizes SEAs to reserve some funds to administer Title I programs.

Purpose of Title I

The purpose of Title I is to provide all children “significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.”¹⁶ To achieve that, states must develop accountability systems to identify and support schools with academically struggling students, and LEAs and schools must use their Title I funds to improve student outcomes, including academic achievement.

The state accountability system is central to Title I. It includes:

- State-adopted challenging academic content standards and aligned academic achievement standards in at least math, reading/language arts, and science,¹⁷
- High-quality academic assessments that measure how well students are mastering state standards in at least math, reading/language arts, and science,¹⁸
- A system that differentiates school performance based on a variety of indicators,¹⁹
- A system to identify and support certain low-performing schools (known as “comprehensive support and improvement” (CSI) schools and “targeted support and improvement” (TSI) schools),²⁰ and
- Reporting student achievement and other data to ED and the public.²¹

LEAs that receive Title I funds must carry out a variety of activities as a condition of participating in the program including, but not limited to:

- Developing and implementing plans to support and improve low-performing schools identified by the state through its accountability system,²²
- Reporting student achievement and other data to the SEA and the public,²³
- Notifying parents about issues such as teacher qualifications, assessments, and identification of students as English learners,²⁴
- Collaborating with child welfare agencies to ensure the educational stability of children in foster care,²⁵
- Providing services to homeless students,²⁶
- Providing services to children in local institutions for neglected children, and if appropriate, to children in local institutions for delinquent children, and neglected or delinquent children in community day programs,²⁷

¹⁶ ESSA, Section 1001.

¹⁷ ESSA, Section 1111(b)(1).

¹⁸ ESSA, Section 1111(b)(2).

¹⁹ ESSA, Section 1111(c)(4)(B). The indicators are (1) student achievement on the state academic assessment, (2) for elementary and middle schools, a measure of student growth or another academic indicator that allows for meaningful differentiation of school performance, (3) for high schools, high school graduation rates, (4) progress in achieving English language proficiency, and (5) an indicator of school quality or student success, such as student engagement, educator engagement, access to and completion of advanced coursework, postsecondary readiness, school climate and safety, or another state-selected indicator that meets ESSA requirements. ESSA, Section 1111(c)(4)(B)(i)-(v).

²⁰ ESSA, Section 1111(d).

²¹ ESSA, Section 1111(h).

²² ESSA, Section 1111(d)(1)&(2).

²³ ESSA, Section 1111(h).

²⁴ ESSA, Section 1112(e).

²⁵ ESSA, Section 1112(c)(5)(B).

²⁶ ESSA, Section 1113(c)(3)(A)(i).

²⁷ ESSA, Section 1113(c)(3)(A)(ii)&(iii).

- Allocating Title I funds to eligible schools through a poverty-based procedure known as “ranking and serving,”²⁸
- Developing policies and providing services to engage parents and families,²⁹
- Providing services to eligible private school students,³⁰ and
- Overseeing Title I activities in Title I schools.³¹

Schools that receive Title I funds must design and implement programs to support eligible Title I students using one of two models:

- A **schoolwide model**, available to any school with at least forty percent poverty (or to schools below forty percent poverty with a waiver, which, under ESSA, can be issued by the SEA).³²
 - Schools operating a schoolwide model can use Title I funds to upgrade their entire educational program,³³
 - All students are considered “Title I students,”³⁴ and
 - Schoolwide schools must develop a plan describing the services they will provide based on a comprehensive assessment of the school’s needs.³⁵ This needs assessment must take into account the academic achievement of all students, particularly the needs of those of students struggling to meet state academic standards, and any other factors as determined by the LEA.³⁶
- A **targeted assistance model**, available to any Title I school that does not operate a schoolwide program.³⁷
 - Schools operating a targeted assistance model must use Title I funds to help educationally-disadvantaged students meet state standards, and³⁸
 - Students are eligible for Title I if they: (1) are failing, or at risk of failing, to meet state standards, (2) participated in certain federally-funded preschool programs, (3) received services under the Migrant Education Program, (4) are in a local institution for neglected or delinquent children or are attending a community day program, or (5) are homeless.³⁹

²⁸ ESSA, Section 1113.

²⁹ ESSA, Section 1116.

³⁰ ESSA, Section 1117.

³¹ 2 CFR § 200.328(a).

³² ESSA, Section 1114(a)(1).

³³ ESSA, Section 1114(a)(1)(A).

³⁴ ESSA, Section 1114(a)(2).

³⁵ ESSA, Section 1114(b).

³⁶ ESSA, Section 1114(b)(6).

³⁷ ESSA, Section 1115.

³⁸ ESSA, Section 1115(b)(2)(A).

³⁹ ESSA, Section 1115(c).

How Title I Funds May Be Used

Title I, Part A funds can support a wide range of activities to help Title I students meet state academic standards. This includes:

- Providing eligible students with a well-rounded education,⁴⁰
- Instructional supports,
- Non-instructional supports like behavior and mentoring supports, and social and emotional learning, and
- Improving school quality.

Historically, many LEAs and schools have used Title I funds narrowly for discrete instructional supports primarily focused on reading and math. This happened because the law's complexity has often led to misunderstandings about how Title I funds can be used. In fact, Title I may be used flexibly to meet a broad range of student needs, which can include reading and math instructional supports, but may also address other identified student needs.

For example, the chart below highlights common ways Title I spending was limited beyond what federal law required under the No Child Left Behind Act (NCLB). NCLB is the version of the Elementary and Secondary Education Act that preceded the Every Student Succeeds Act (ESSA). Understanding and addressing these prior limitations is important for ensuring ESSA's Title I funds are used to their full potential.

Common Title I Limitations under NCLB Not Required by Federal Law⁴¹	
Common Limitation Not Required by Federal Law	Actual Legal Authority
Limiting Title I spending to reading/language arts and math	<i>NCLB did not impose such a restriction. Title I could be used broadly to improve education for the disadvantaged, including subjects like science, social studies, art, and others.⁴² ESSA continues to permit Title I to be used for a broad range of subjects (see definition of well-rounded education above).</i>
Limiting Title I spending only to instruction or materials	<i>NCLB did not impose such a restriction. Title I could be used for non-instructional supports such as school climate, increasing attendance, school</i>

⁴⁰ Please see ESSA, Section 8101(52) defining a "well-rounded education" as:

[C]ourses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the SEA or LEA, with the purpose of providing all students access to an enriched curriculum and educational experience.

⁴¹ This table is based on CCSSO's Maximizing ESSA Formula Funds for Students: State Readiness Self-Assessment. Please note that the citations in this chart are to the NCLB law (not ESSA) and relevant NCLB guidance in order to highlight misunderstandings under NCLB.

⁴² See NCLB, Sections 1111 and following, imposing no academic subject matter restrictions on Title I funding. See also the ED guidance, Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students (September 2009), particularly Sections C and G. This guidance is referred to as "*ED 2009 Title I Reform Guidance*" for the rest of this document. Two notes about this guidance: (1) while the guidance was developed to provide information about the additional Title I money appropriated under the American Recovery and Reinvestment Act (ARRA), the guidance is applicable Title I funds generally (see page 15), and (2) the guidance was released under NCLB. ED may issue updated Title I spending guidance under ESSA.

Common Title I Limitations under NCLB Not Required by Federal Law ⁴¹	
	<i>counselors, improving health (in some circumstances), etc.⁴³ ESSA continues to permit Title I to support these, and other, non-instructional supports.⁴⁴</i>
Limiting Title I spending to remedial programs	<i>NCLB did not impose such a restriction. ED guidance permitted spending on advanced learning opportunities for struggling students.⁴⁵ ESSA is now more explicit that Title I can be used for such activities.⁴⁶</i>
Limiting Title I spending to specific students in a schoolwide program school	<i>NCLB did not impose such a restriction. Title I permitted spending to upgrade the entire educational program of a schoolwide school.⁴⁷ ESSA continues to permit Title I spending on broad improvement strategies based on the school's needs.⁴⁸</i>

I. Using Title I Funds at the LEA Level: Required and Discretionary Reservations

Before allocating Title I funds to schools, LEAs **must** reserve some Title I funds for the following required activities:

- Services for homeless children, which can include funding for the homeless liaison and transportation required under the McKinney Vento Homeless Education Act. *LEAs must reserve "such funds as are necessary," based on an assessment of homeless children's needs; ESSA does not specify an amount.⁴⁹*
- Services for children in local institutions for neglected children, and if appropriate, services for children in local institutions for delinquent children, and neglected or delinquent children in community day programs. *LEAs must reserve "such funds as are necessary;" ESSA does not specify an amount.⁵⁰*
- Parent and family engagement (required if the LEA receives \$500,000 or more of Title I funds). *LEAs must reserve at least one percent,⁵¹ ninety percent of which must be distributed to schools.⁵²*
- Equitable services for eligible private school students. *LEAs must reserve a proportional amount based on the number of eligible private school students in the LEA.⁵³*

LEAs **may** also reserve funds for the following discretionary activities:

- Transportation for students in CSI schools if the LEA offers these students the option to transfer to another school. *LEAs may reserve up to five percent.⁵⁴*

⁴³ See *ED 2009 Title I Reform Guidance*, particularly Sections C, E, and G.

⁴⁴ See, for example, ESSA, Section 1114(b)(7)(A)(iii)(I)&(III), ESSA, Section 1115(b)(2)(B)(ii), and ESSA, Section 1115(e)(2).

⁴⁵ See *ED 2009 Title I Reform Guidance*, Section C.

⁴⁶ See, for example, ESSA, Section 1114(b)(7)(A)(II), ESSA, Section 1114(e), and ESSA, Section 1115(f).

⁴⁷ See NCLB, Section 1114. Also see ED guidance issued under NCLB, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* (2015) and *Designing Schoolwide Programs* (2006).

⁴⁸ ESSA, Section 1114(a)(1)(A). Also see ED guidance issued under ESSA, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* (2016).

⁴⁹ ESSA, Section 1113(c)(3)(C).

⁵⁰ ESSA, Section 1113(c)(3).

⁵¹ ESSA, Section 1116(a)(3)(A). ESSA clarifies LEAs can reserve more than one percent at their discretion.

⁵² Please note ninety percent is a change from NCLB which required LEAs to distribute ninety-five percent of the reserved funds to schools.

⁵³ ESSA, Section 1117(a)(4). Please note ESSA now requires the equitable services be calculated based on an LEA's total Title I, Part A allocation. Under NCLB, certain parts of an LEA's Title I, Part A allocation were excluded from the calculation, such as funds reserved for school improvement. For more information about the equitable services calculation please see U.S. Department of Education, *Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA)* (2016).

⁵⁴ ESSA, Section 1111(d)(1)(D)(v).

- Financial incentives and rewards to teachers in CSI or TSI schools for the purpose of attracting and retaining qualified and effective teachers. *LEAs may reserve up to five percent.*⁵⁵
- Early childhood education programs for eligible children. *LEAs have discretion over how much, if any, to reserve; ESSA does not specify an amount.*⁵⁶
- The additional costs needed to transport children in foster care to their school of origin consistent with Section 1112(c)(5). *LEAs have discretion over how much, if any, to reserve; ESSA does not specify an amount.*⁵⁷
- Administering the Title I program. *LEAs may reserve a reasonable and necessary amount.*⁵⁸
- District-managed initiatives in Title I schools. *See below.*⁵⁹

A Deeper Look at District-Managed Title I Initiatives

LEAs have the option to reserve Title I funds to implement district-managed Title I initiatives. These initiatives are managed at the central level (rather than the school level), and are designed to improve the achievement of Title I students. District-managed initiatives are sometimes called “districtwide” initiatives because they benefit all, or a group, of Title I schools. But these initiatives are not truly districtwide in an LEA with both Title I and non-Title I schools. An LEA cannot, for example, use Title I funds to benefit non-Title I students.

Guidance from ED permits LEAs to use Title I funds for the following types of district-managed initiatives for all, or a subset of, an LEA’s Title I schools:⁶⁰

- Contracting with an outside provider with expertise in school improvement to support low-achieving Title I schools,⁶¹
- Summer school courses, or after-school tutoring, to prepare low-achieving students to participate successfully in advanced coursework,⁶²
- Supplemental instructional materials to improve the academic achievement of low-achieving students, including students with disabilities and English language learners,⁶³
- Hiring an outside expert to work with the staff of low-achieving Title I schools to build their capacity to analyze student data and identify promising interventions,⁶⁴
- Piloting a data dashboard to help teachers in Title I schools identify, track, and analyze data to help them better target interventions to low-achieving students,⁶⁵

⁵⁵ ESSA, Section 1113(c)(4).

⁵⁶ ESSA, Section 1113(c)(5).

⁵⁷ U.S. Department of Education and U.S. Department of Health and Human Services, *Ensuring Educational Stability for Children in Foster Care* (2016), Q&A 30.

⁵⁸ 34 CFR § 200.77(f).

⁵⁹ 34 CFR § 200.77(g).

⁶⁰ *ED 2009 Title I Reform Guidance*, Q&A B-8.

⁶¹ *ED 2009 Title I Reform Guidance*, Q&A B-8.

⁶² *ED 2009 Title I Reform Guidance*, Q&A C-1.

⁶³ *ED 2009 Title I Reform Guidance*, Q&A C-8.

⁶⁴ *ED 2009 Title I Reform Guidance*, Q&A D-1.

⁶⁵ *ED 2009 Title I Reform Guidance*, Q&A D-3.

Using Title I Funds in Schools that Operate Schoolwide Programs

Schools with at least forty percent poverty, as well as any school with a waiver of this poverty rate (which the state can issue),⁶⁶ may operate a schoolwide program as long as the school conducts a comprehensive needs assessment and develops a schoolwide plan for meeting its needs.⁶⁷

The premise of the schoolwide model is that high poverty schools should have the flexibility to implement comprehensive school improvement strategies, and not be limited only to narrow add-on services for certain students.

In a schoolwide program all students and staff may participate in Title I-funded activities, and the school may use Title I to support any reasonable activity designed to improve the school's educational program so long as it is consistent with the school's needs and plan.

A. Spending Options in a Schoolwide Program

Depending on its needs, a schoolwide program school could use Title I to support:

- High-quality preschool or full-day kindergarten and services to facilitate the transition from early learning to elementary education programs,
- Recruitment and retention of effective teachers, particularly in high-need subjects,
- Instructional coaches to provide high-quality, school-based professional development,
- Increased learning time,
- Evidence-based strategies to accelerate the acquisition of content knowledge for English learners,
- Activities designed to increase access and prepare students for success in high-quality advanced coursework to earn postsecondary credit while in high school (e.g., Advanced Placement, International Baccalaureate, early college high schools, and dual or concurrent enrollment programs),
- Career and technical education programs to prepare students for postsecondary education and the workforce,
- Counseling, school-based mental health programs, mentoring services, and other strategies to improve students' nonacademic skills,
- School climate interventions (e.g., anti-bullying strategies, positive behavior interventions and supports),
- Equipment, materials, and training needed to compile and analyze student achievement data to monitor progress, alert the school to struggling students, and drive decision making,
- Response-to-intervention strategies intended to allow for early identification of students with learning or behavioral needs and to provide a tiered response based on those needs,
- Activities that have been shown to be effective at increasing family and community engagement in the school, including family literacy programs,
- Devices and software for students to access digital learning materials and collaborate with peers, and related training for educators (including accessible devices and software needed by students with disabilities), and
- Two-generation approaches that consider the needs of both vulnerable children and parents, together, in the design and delivery of services and programs to support improved economic, educational, health, safety, and other outcomes that address the issues of intergenerational poverty.⁶⁸

⁶⁶ Under ESSA, SEAs have the discretion to waive the forty percent poverty threshold if the SEA believes it will best serve student needs. ESSA, Section 1114(a)(1)(B).

⁶⁷ ESSA, Section 1114(b).

⁶⁸ U.S. Department of Education, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program*, pp. 4-5 (2016). This guidance will be referred to as "ED 2016 Schoolwide Guidance" for the rest of this document.

For more information about using Title I funds in a schoolwide setting under ESSA, please see [ED 2016 Schoolwide Guidance](#).

B. The Schoolwide Plan and Its Relationship to the Use of Title I Funds

The schoolwide plan is a strategic tool that identifies the school's needs and explains which improvement strategies it will use to address those needs. In general, the school may then spend Title I funds to support the strategies identified in its plan.

The composition of the schoolwide plan changed under ESSA. Under NCLB, schools had to address ten components in their schoolwide plans. ESSA takes a more comprehensive approach, as described below. Schools that are currently operating schoolwide programs must amend their existing plans to reflect these changes within one year of ESSA taking effect.⁶⁹ More information and guidance can be found on KDE's [Comprehensive Improvement Planning for Schools and Districts webpage](#).

1) Schoolwide Plan Elements

A schoolwide plan must be based on a **comprehensive needs assessment** of the entire school that takes into account information on the academic achievement of children, particularly the needs of those children who are failing, or are at-risk of failing, to meet state standards, and any other factors as determined by the LEA.⁷⁰ KDE's [Needs Assessment Template](#) will provide guidance for district coordinators.

Using the information from the comprehensive needs assessment, the schoolwide plan must describe the strategies the school will implement to address its needs, including a description of how the strategies will:

- Provide opportunities for all children, including each subgroup of students, to meet state standards,
- Use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education, and
- Address the needs of all children in the school, but particularly the needs of those at risk of not meeting state standards, through activities which may include:
 - Counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas,
 - Preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school (such as Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools),
 - Implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act,
 - Professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments, and to recruit and retain effective teachers, particularly in high-need subjects, and

⁶⁹ ESSA, Section 1114(b)(1).

⁷⁰ ESSA, Section 1114(b)(6).

- Strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs.⁷¹

In addition, if a schoolwide school consolidates Title I with other funds, the plan must also list the specific state, local, and federal programs that will be consolidated in the schoolwide program.⁷² It is important to note that Title I funds can be used to support comprehensive initiatives in a schoolwide school *even if Title I funds are not consolidated with other program funds*.⁷³

2. Other Schoolwide Plan Requirements

The schoolwide plan must be developed:

- During a 1-year period, for schools not already operating schoolwide programs, unless the LEA determines, in consultation with the school, that less time is needed to develop and implement the schoolwide program,⁷⁴
- With the involvement of key shareholders,⁷⁵ and
- In coordination and integration with other federal, state, and local services, resources, and programs, if appropriate, such as programs supported under ESSA, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and schools implementing comprehensive support and improvement activities or targeted support and improvement activities.⁷⁶

ESSA clarifies that schoolwide plans:

- Remain in effect for the duration of the school's participation in Title I, except that schools must regularly monitor and revise their plan and implementation as necessary based on student needs to ensure that all students are provided opportunities to meet state standards,⁷⁷ and
- Must be available to the LEA, parents, and the public, and the information contained in the plan should be understandable to the extent practical.⁷⁸

⁷¹ ESSA, Section 1114(b)(7)(A).

⁷² ESSA, Section 1114(b)(7)(B). See also *ED 2016 Schoolwide Guidance*, pp. 9-10, for more information about consolidation.

⁷³ See *ED 2016 Schoolwide Guidance*, p.9, stating:

NOTE: A schoolwide program school has flexibility in its use of Title I funds even absent consolidation. The uses of Title I funds described throughout this document are available to a schoolwide program school that does not consolidate its Title I or other Federal funds. Consolidation, however, affords even greater flexibility.

⁷⁴ ESSA, Section 1114(b)(1).

⁷⁵ ESSA, Section 1114(b)(2). ESSA specifies parents and other members of the community and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals, administrators, the LEA, tribes and tribal organizations (to the extent feasible), and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, if the plan relates to a secondary school, students, and other individuals determined by the school.

⁷⁶ ESSA, Section 1114(b)(5).

⁷⁷ ESSA, Section 1114(b)(3).

⁷⁸ ESSA, Section 1114(b)(4).

Using Title I Funds in Schools that Operate Targeted Assistance Programs

Schools receiving Title I funds that are ineligible to operate a schoolwide program or choose not to operate a schoolwide program must operate a targeted assistance school. In a targeted assistance school, the school uses Title I funds to provide additional supports to specifically identified students struggling to meet state standards.

A. Identifying Title I Students

Targeted assistance schools must determine which students they will serve by identifying the students with the greatest need for assistance from among the following eligible groups:

- Students identified as failing, or most at risk of failing, to meet state standards,
- Students who participated in Head Start, or certain ESSA-funded preschool programs or literacy programs for young children, within the past two years (including Title I supported preschool),
- Migrant students,
- Neglected and delinquent students, and
- Homeless children.⁷⁹

B. Spending Options in a Targeted Assistance Program

Targeted assistance schools must use Title I funds to help identified students meet state standards, which can include programs, activities, and academic courses necessary to provide a well-rounded education.⁸⁰

Targeted assistance schools may use Title I funds to serve their eligible students by:

- Expanding learning time for eligible students, including before- and afterschool programs, and summer programs and opportunities,
- Providing early intervening services to eligible students, including services coordinated with similar activities and services carried out under IDEA,
- Providing eligible students with extra supports aligned to the school's regular education program, which may include services to assist preschool children in the transition from early childhood education programs to elementary school programs,
- Providing professional development to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible students, and
- Implementing strategies to increase the involvement of parents of eligible students.⁸¹

Targeted assistance schools can also use Title I funds to provide eligible students with health, nutrition, and other social services⁸² that are not otherwise available to them if:

- The school has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, if appropriate; and
- Funds are not reasonably available from other public or private sources.⁸³

⁷⁹ ESSA, Section 1115(c).

⁸⁰ ESSA, Section 1115(b)(2)(A).

⁸¹ ESSA, Section 1115(b)(2).

⁸² Examples of such services include basic medical equipment such as eyeglasses and hearing aids, compensation of a coordinator, family support and engagement services, integrated student supports, and professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children. ESSA, Section 1115(e)(2)(B).

⁸³ ESSA, Section 1115(e)(2).

A secondary school operating a targeted assistance program may use Title I funds to provide dual or concurrent enrollment program services to eligible children.⁸⁴

Targeted assistance schools must:

- Help provide an accelerated, high-quality curriculum,
- Minimize the removal of children from the regular classroom during regular school hours for instruction provided by Title I, and
- Review the progress of eligible students on an ongoing basis and revise the targeted assistance program, if necessary, to provide students additional assistance to meet state standards.⁸⁵

C. Coordinating Targeted Services with Other Programs and Supports

Because targeted assistance programs can only serve specifically identified students, schools sometimes “wall-off” their Title I programs to prove that only eligible students participated. This is not required by the Title I law or federal rules. In fact, Title I encourages schools to coordinate Title I services with other programs, including the regular education program.

For example, the targeted assistance section of the law says:

*Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.*⁸⁶

The law also encourages targeted assistance schools to coordinate and integrate federal, state, and local services and programs, such as programs supported under ESSA, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and comprehensive support and improvement activities or targeted support and improvement activities.⁸⁷

This coordination extends beyond student services and includes Title I staff as well. For example, to promote the integration of Title I staff into the regular school program and overall school planning and improvement efforts, such staff can:

- Participate in general professional development and school planning activities, and
- Assume limited duties that are assigned to similar personnel, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.⁸⁸

⁸⁴ ESSA, Section 1115(f).

⁸⁵ ESSA, Section 1115(b)(2)(G).

⁸⁶ ESSA, Section 1115(e)(1).

⁸⁷ ESSA, Section 1115(b)(2)(F).

⁸⁸ ESSA, Section 1115(d).

I. Special Considerations for Using Title I Funds in Schools Identified for Support and Improvement

Under ESSA, states must identify two types of low-performing schools:

- *Targeted support and improvement* (TSI) schools, which are schools with one or more consistently underperforming subgroups,⁸⁹ and
- *Comprehensive support and improvement* (CSI) schools, which include:
 - The lowest-performing five percent of Title I schools in the state,
 - Any public high school failing to graduate one-third or more of its students, and
 - Title I schools with a consistently underperforming subgroup that, on its own, is performing as poorly as students in the lowest-performing five percent of Title I schools, and that has failed to improve after the school has implemented a targeted support and improvement plan.⁹⁰

TSI and CSI schools⁹¹ must develop plans for improving student outcomes that (among other things):

- Are informed by all the indicators for differentiating schools,⁹²
- Include evidence-based interventions (see box below), and
- Are based on an assessment of the school's needs.⁹³

Definition of "Evidence-Based" in ESSA ⁹⁴
Evidence-based means an activity, strategy, or intervention that: <ul style="list-style-type: none">i. Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on-<ul style="list-style-type: none">(I) strong evidence from at least one well-designed and well-implemented experimental study;(II) moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or(III) promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or

Under ESSA, TSI and CSI schools that receive Title I funds have the same Title I, Part A spending options as any other Title I school, and can also use their Title I, Part A funds to support the school's TSI and CSI initiatives.

It is important to note the distinction between how Title I, Part A funds may be used in a TSI or CSI school versus how Section 1003 school improvement funds must be used. Under ESSA, Title I, Part A funds may support any allowable Title I, Part A cost whether it meets ESSA's definition of evidence-based or not. This is different from how Section 1003 school improvement funds must be used.

⁸⁹ ESSA, Section 1111(c)(4)(C)(iii) and Section 1111(d)(2). ESSA does not define what it means to be consistently underperforming, but rather leaves it for states to define.

⁹⁰ ESSA, Section 1111(c)(4)(D).

⁹¹ For CSI schools, the LEA develops the plan, which must be approved by the school. ESSA, Section 1111(d)(1)(B).

⁹² ESSA, Section 1111(c)(4)(B). The indicators are (1) student achievement on the state academic assessment, (2) for elementary and middle schools, a measure of student growth or another academic indicator that allows for meaningful differentiation of school performance, (3) for high schools, high school graduation rates, (4) progress in achieving English language proficiency, and (5) an indicator of school quality or student success, such as student engagement, educator engagement, access to and completion of advanced coursework, postsecondary readiness, school climate and safety, or another state-selected indicator that meets ESSA requirements. ESSA, Section 1111(c)(4)(B)(i)-(v).

⁹³ ESSA, Section 1111(d)(1)(B) and Section 1111(d)(2)(B).

Section 1003 funds can only be used to support activities that meet ESSA’s top three tiers of evidence (highlighted in bold text above). In other words, Section 1003 funds can only be used to fund activities, strategies, or interventions based on a study that demonstrates the activity, strategy, or intervention has a *statistically significant effect* on improving student outcomes.⁹⁴

Therefore, while TSI and CSI schools must implement evidence-based interventions under ESSA’s school improvement requirements, this requirement does not directly affect their use of Title I, Part A funds under ESSA.

II. Other Spending Rules

A. *Supplement not supplant*

Title I has a supplement not supplant (SNS) requirement. In general terms, this means that Title I funds should add to (supplement) and not replace (supplant) state and local funds. Prior to ESSA, supplement not supplant was typically tested by analyzing an individual Title I cost’s compliance with “three presumptions of supplanting.”⁹⁵ Under ESSA, compliance with SNS will no longer be tested through individual Title I costs,⁹⁶ so these three presumptions no longer apply. Instead, LEAs must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I school with all of the state and local money it would receive if it did not participate in the Title I program.⁹⁷ This should expand Title I’s spending options. (Note that every Title I cost must still be allowable and must still support eligible students among other requirements.)

B. *Comparability*

As a condition of receiving Title I, LEAs must ensure that state and local funds are used to provide services that taken as a whole, are comparable between Title I and non-Title I schools.⁹⁸ KDE’s Comparability Guidance Document and Comparability Report Checklist can be used to assist district coordinators in completing the annual comparability report.

C. *Equitable Services*

Title I funds are subject to an equitable services requirement.⁹⁹ In short, this means LEAs must reserve funds to provide Title I services to eligible private school students, teachers and other educational personnel, and families. ESSA makes important changes and clarifications to the way LEAs must reserve Title I funds for equitable services. ESSA requires an LEA to determine the amount of funds available for providing equitable services under Title I *prior* to any expenditures or transfers of funds.¹⁰⁰ This includes all reservations previously

⁹⁴ ESSA, Section 8101(21)(B) stating:

(B) DEFINITION FOR SPECIFIC ACTIVITIES FUNDED UNDER THIS ACT.—When used with respect to interventions or improvement activities or strategies funded under section 1003, the term “evidence-based” means a State, local educational agency, or school activity, strategy, or intervention that meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i).

⁹⁵ Under NCLB and previous versions of ESEA, a Title I supplanting violation was presumed if Title I, Part A paid for:

- 1) An activity required by federal, state, or local law,
- 2) An activity that was paid for with state or local funds in the prior year, or
- 3) The same services for Title I students that state and local funds support for non-Title I students.

⁹⁶ ESSA, Section 1118(b)(3)(A).

⁹⁷ ESSA, Section 1118(b)(2).

⁹⁸ ESSA, Section 1118(c).

⁹⁹ ESSA, Section 1117.

¹⁰⁰ ESSA, Section 1117(a)(4).

taken “off the top” of an LEA’s Title I allocation, including reservations for administration, parental involvement, and district-wide initiatives.¹⁰¹

¹⁰¹ See U.S. Department of Education, *Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)* (November 2016), Q&A O-1. This guidance will be referred to as “ED 2016 Fiscal Changes Guidance” for the rest of this document.

Purpose and Overview of Title II, Part A

Title II, Part A is a U.S. Department of Education (ED) grant program that provides **supplemental** funding to help support effective instruction. ED awards Title II, Part A funds to state educational agencies (SEAs), which then subgrant funds to districts.

In general, Title II funds can be used to provide **supplemental** activities that strengthen the quality and effectiveness of teachers, principals, and other school leaders. The purpose of Title II is to:

- Increase student achievement consistent with state standards,
- Improve the quality and effectiveness of teachers, principals, and other school leaders,
- Increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools, and
- Provide low-income and minority students greater access to effective teachers, principals, and other school leaders.

Districts can use Title II funds for a wide range of activities to support the quality and effectiveness of teachers, principals and other school staff.

Activities supported with Title II funds must:

- Be consistent with Title II's purpose, and
- Address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students.

Additionally, Districts must prioritize Title II, Part A funds and services to schools that:

- Are implementing comprehensive support and improvement activities and targeted support and improvement activities, and
- Have the highest percentage of poverty children according to the Title I formula.

The purpose of this handbook is to complement Sections 2001-2104 of the Every Student Succeeds Act (ESSA), Education Department General Administrative Regulations (EDGAR), Uniform Grant Guidance (UGG), and the following non-regulatory guidance documents issued by the U.S. Department of Education:

- *Building Systems of Support for Excellent Teaching and Leading* and
- *Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA)*.

Additional resources can be found on the [Title II, Part A webpage](#). If you have questions, feel free to contact [your KDE program consultant](#).

Fiscal and Programmatic Requirements

How Title II, Part A Funds are distributed to States and Districts

How the Federal Government to State Formula Changes

ESSA changes the way states receive Title II, Part A funds from the federal government (the funding formula) in two ways. First, states' hold harmless amounts will be gradually eliminated over the next few years (a hold harmless is essentially a guarantee of a certain minimum amount of funding). The state hold harmless will be completely eliminated as reflected below, and instead Title II, Part A funds will be distributed to states solely based on population and poverty counts. Second, the way population and poverty counts are factored into the state formula is changing. Currently, states generate Title II, Part A funds 35% based on population and 65% based on poverty. Under ESSA those percentages are shifting between 2018 and 2020 until it is 20% based on population and 80% based on poverty – in essence allocating additional funds to states with greater poverty. The chart below gives a breakdown of what the changes look like over the next few years.

Reduction of States' Hold Harmless		Changes to the Distribution of Remaining Funds	
School year	% Hold Harmless Guaranteed	School Year	Distribution Based on Child Counts 5-17/5-17 Poverty
2017-18	85.71%	2017-18	35%/65%
2018-19	71.42%	2018-19	30%/70%
2019-20	57.13%	2019-20	25%/75%
2020-21	42.84%	2020-21	20%/80%
2021-22	28.55%	2021-22	20%/80%
2022-23	14.26%	2022-23	20%/80%
2023-24	0%	2023-24	20%/80%

Notes

- 1. Reduction of States' Hold Harmless:** The percentage reported represents the amount of hold harmless funds a state would be eligible for each year as compared to the amount of hold harmless received in school year 2016-17. In 2023 states will no longer be eligible for hold harmless amounts, and funds will be distributed based on child counts solely.
- 2. Change to the Distribution of Remaining Funds:** The percentages reported represent how remaining funds will be distributed based on child count estimates. In 2017, for example, 35% of remaining funds were distributed based on states' estimates of children aged 5-17 and 65% were distributed based on estimates of children aged 5-17 in poverty. The distribution percentages change, increasing the amount of funds distributed based on poverty, over the next few years.

How the State to District Formula Changes

States are required to subgrant Title II, Part A funds to districts on the basis of a formula. ESSA changes this state to district funding formula, by eliminating hold harmless amounts. Starting with the 2017-18 school year, funds are distributed solely based on estimates of child counts within their district boundaries. Districts receive 20% of their Title II, Part A funds based on estimates of the number of children aged 5-17 and 80% based on estimates of the number of children aged 5-17 in poverty. The steps below outline the formula process for distributing funds to districts.

1. Available amount for state = (state hold harmless amount) – (reduction in Kentucky’s hold harmless guarantee)
2. Available amount for districts = (Available amount for state) – (5% for state activities)
3. 20% PPA = (20% of amount available for districts) ÷ (state 5-17 child count)
4. 80% PPA = (80% of amount available for districts) ÷ (state 5-17 poverty child count)
5. Multiply each PPA by each district’s applicable child count
6. District total allocation = (20% amount) + (80% amount)

Requirement for Shareholder Consultation When Deciding How to Use Local Title II Funds

Title II requires districts to consult meaningfully with a wide array of shareholders on the LEA’s plan for carrying out Title II activities. Districts must also conduct ongoing consultation with those shareholders to update and improve activities supported with Title II funds.

In carrying out consultation, ED and KDE recommend that Districts consider the following activities:

- Conduct outreach to and solicit input from relevant shareholders during the design and development of plans for Title II funds ensuring there is a diverse representation of educators from across the LEA, especially those who work in high-need schools and in early education;
- Seek out diverse perspectives within shareholder groups, when possible, and ensure that consultation is representative of the LEA as much as possible;
- Be flexible when consulting with shareholders, especially educators, by holding meetings or conferences outside the hours of the school day or by using a variety of communications tools, such as electronic surveys;
- Make shareholders aware of past and current uses of Title II funds, and research or analysis of the effectiveness of those uses, if available, the equity diagnostic, as well as research or analysis of proposed new uses of funds, in order to consider the best uses for schools and districts to support teacher and school leader development; and
- Consider the concerns identified during consultation, and revise uses of Title II funds when appropriate.

Allowable District Uses of Local Title II Funds

Districts are encouraged to prioritize activities that will have the highest impact on teaching and learning. When determining which of the many allowable Title II strategies and activities will have the highest impact, ED guidance suggests districts undertake a five-step framework:

1. Choose interventions aligned with identified local needs,
2. Consider the evidence base and the local capacity when selecting a strategy,
3. Develop a robust implementation plan,
4. Provide adequate resources so the implementation is well-supported, and
5. Gather information regularly to examine the strategy and to reflect on and inform next steps.

Districts must use data and ongoing shareholder consultation to continually update and improve Title II-supported activities.

Although the following examples present an overview of Title II spending options, they do not represent an all-encompassing list of allowable activities. Please consult [your KDE Title II program consultant](#) if you have questions.

1. *Evaluation and Support Systems*

Districts may use Title II funds to provide **supplemental** professional learning on the effective use and implementation of the district developed evaluation and support systems that meet Senate Bill 1 requirements for teachers, principals, or other school leaders.

Costs related to principal observation calibration through systems similar to Frontline may be allowable uses of funds if **supplemental** to required professional learning hours. Costs related to the collection and analysis of data is generally not an allowable use of Title II, Part A funds, including the use of systems such as ValEd.

2. *Recruiting, Hiring, and Retaining Effective Teachers*

Districts may use Title II funds to develop and implement initiatives to recruit, hire, and retain effective teachers to improve the equitable distribution of teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet state standards. Districts may also use Title II funds to implement supports for principals and other schools leaders.

This can include:

- Expert help in screening candidates and enabling early hiring, Note: Purchasing recruitment systems such as TalentEd would not be allowable because they perform activities a district would be required to conduct in the absence of federal funds.
- Differential and incentive pay for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems, Note: incentive pay must be necessary and reasonable given a district's specific needs and a process for distributing these funds must be documented in board policy.
- Teacher, paraprofessional, principal, or other school leader advancement and professional growth, which, according to ED guidance can include creating hybrid roles that allow teachers to provide instructional coaching to colleagues while remaining in the classroom, as well as other responsibilities such as collaborating with administrators to develop and implement distributive leadership models and leading decision-making groups,
- Create incentives for effective educators to teach in high-need schools, and ongoing incentives for such educators to remain and grow in such schools.
- New teacher, principal, or other school leader induction and mentoring programs, such as, a) providing for a program requiring all beginning teachers and principals receive induction support during their first two years and b) supporting a program requiring regular observation by mentors/induction coaches and opportunities for new teachers to observe classrooms, and
- Development and provision of training for school leaders, coaches, mentors, and evaluators on how to effectively differentiate performance, provide useful feedback, and use evaluation results to inform decision-making about professional learning, improvement strategies, and personnel decisions.
- **Note: Title II, Part A funds for recruitment cannot supplant general recruitment activities and expenditures such as recruiting-related pamphlets, materials and supplies. Additionally, items such**

as recruiting banners and items for giveaways at recruiting fairs would not meet the reasonable and necessary requirements.

Examples: Teacher Recruitment and Retention
<p>Recommended Strategies. Title II, Part A funds may be used by Districts for the following strategies:</p> <ul style="list-style-type: none"> • Offering stipends to teachers sponsoring Educator Rising or similar teacher preparation programs; • Pay for travel expenses related to recruiting educators from surrounding areas; • Relocation costs for high quality teachers being recruited to high needs areas; • Building in leadership and growth opportunities for high quality teachers that do not remove them from the classroom; • Offering career advancement opportunities for current staff members, such as paraprofessionals, who have worked in the community for an extended period of time, to support their efforts to gain the requisite credentials to become classroom instructors; • Partnering with preparation providers including local community colleges, Institutions of Higher Education (IHEs), Minority Serving Institutions, and alternative route providers, to build a pipeline of diverse candidates; • Providing ongoing professional development aimed at cultural competency and responsiveness and equity coaching, designed to improve conditions for all educators and students, including educators and students from underrepresented minority groups, diverse national origins, English language competencies, and varying genders and sexual orientations; • Providing time and space for differentiated support for all teachers, including affinity group support; • Supporting leadership and advancement programs aimed to improve career and retention outcomes for all educators, including educators from underrepresented minority groups; and • Developing and implementing other innovative strategies and systemic interventions designed to better attract, place, support, and retain culturally competent and culturally responsive effective educators, especially educators from underrepresented minority groups, such as having personnel or staff-time dedicated to recruiting diverse candidates of high-quality who can best teach to the diversity of the student population.

3. *Recruiting from Other Fields*

Districts may use Title II funds to recruit qualified individuals from other fields to become teachers, principals, or other school leaders. Qualified individuals from other fields include mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become effective teachers, principals or other school leaders. For additional information on alternative routes to teacher certification, visit the [Kentucky Education Professional Standards Board website](#).

4. *Class Size Reduction*

Districts may use Title II funds to reduce class size to a level that is evidence-based, to the extent the SEA (in consultation with Districts) determines such evidence is reasonably available. According to ED guidance, districts may consider reducing class size as one strategy to attract and retain effective educators in high-need schools. The district is responsible for evaluating the effectiveness of class size reduction and for maintaining documentation showing class size reduction positively affects student outcomes.

5. *Personalized Professional Learning*

Districts may use Title II funds to provide high-quality, **supplemental**, personalized professional learning for teachers, instructional leadership teams, principals, or other school leaders. The professional learning must be evidence-based, to the extent the SEA (in consultation with districts) determines such evidence is reasonably available. The professional learning must also focus on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders how to:

- Effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy),
- Use data to improve student achievement and understand how to ensure individual student privacy is protected,
- Effectively engage parents, families, and community partners, and coordinate services between school and community,
- Help all students develop the skills essential for learning readiness and academic success,
- Develop policy with school, LEA, community, or state leaders, and
- Participate in opportunities for experiential learning through observation.

Additional information and guidance on standards can be found on the [KDE Professional Learning page](#).

Personalized Professional Learning Examples
<p>According to ED guidance, among other activities, Districts may use Title II funds for:</p> <ul style="list-style-type: none">• Peer-led, evidence-based professional learning in Districts and schools;• Community of learning opportunities and other professional learning opportunities with diverse shareholder groups such as parents, civil rights groups, and administrators, to positively impact student outcomes; for example, through a forum to discuss the implications of a policy or practice on a school community, or organizing a community-wide service learning project, where teachers work together afterwards to incorporate lessons learned into their teaching;• Community of learning opportunities where principals and other school leaders engage in professional learning with their school teams to fully develop broad curriculum models;• Opportunities for principals and other school leaders to collaborate, problem-solve, and share best practices;• “Teacher time banks” to allow effective teachers and school leaders in high-need schools to work together to identify and implement meaningful activities to support teaching and learning (for example, when implementing teacher time banks, Title II funds may be used to pay the costs of additional responsibilities for teacher leaders, use of common planning time, use of teacher-led developmental experiences for other educators based on educators’ assessment of the highest leverage activities, and other professional learning opportunities); and• Ongoing cultural proficiency training to support stronger school climate for educators and students.

6. *Increasing Teacher Effectiveness for Students with Disabilities and English Learners*

Districts may use Title II to provide **supplemental** professional learning that increases teachers' ability to effectively teach children with disabilities and English learners, which may include the use of multi-tiered systems of support and positive behavioral intervention and supports. This type of training must be **supplemental** to Kentucky's requirements.

7. *Supporting Early Education*

Districts may use Title II funds to provide programs and activities to increase the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing.

Districts may also use Title II funds to provide programs and activities to increase the ability of principals or other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age eight, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school.

Supporting Early Education Strategies
<p>Recommended Strategies. Title II, Part A funds may be used by Districts for the following strategies:</p> <ul style="list-style-type: none">• Joint professional learning and planned activities designed to increase the ability of principals or other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age eight. The National Academy of Medicine's Transforming the Workforce for Children Birth through Age 8: A Unifying Foundation offers recommendations to build a workforce that is unified by the foundation of the science of child development and early learning and the shared knowledge and competencies that are needed to provide consistent, high-quality support for the development and early learning of children from birth through age eight;• Providing programs and activities to increase the knowledge base of teachers, principals, or other school leaders regarding instruction in the early grades and developmentally appropriate strategies to measure how young children are progressing. Leading Pre-K-3 Learning Communities: Competencies for Effective Principal Practice (Executive Summary), from the National Association of Elementary School Principals, defines new competencies, and outlines a practical approach to high-quality early childhood education that is critical to laying a strong foundation for learning for young children from age three to third grade.;• Training on the identification of students who are gifted and talented, and implementing instructional practices that support the education of such students, including early entrance to kindergarten

8. *Supporting Effective Use of Assessments*

Districts may use Title II funds to provide **supplemental** training, technical assistance, and capacity-building to assist teachers, principals, or other school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate.

9. *Supporting Awareness and Treatment of Trauma and Mental Illness*

Districts may use Title II funds to carry out **supplemental** professional learning for school personnel in:

- The techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness,
- The use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate,
- Forming partnerships between school-based mental health programs and public or private mental health organizations, and
- Addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism.

KDE (among other organizations) offers a Mental Health First Aid training to districts and community organizations. To find an upcoming class visit the [Mental Health First Aid](#) website and search for upcoming courses near you.

10. *Supporting Gifted and Talented Students*

Districts may use Title II funds to provide **supplemental** training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as:

- Early entrance to kindergarten,
- Enrichment, acceleration, and curriculum compacting activities (techniques relating to differentiated instruction), and
- Dual or concurrent enrollment programs in secondary school and postsecondary education.

11. *School Library Programs*

Districts may use Title II funds to provide **supplemental** professional learning that supports the instructional services provided by effective school library programs.

12. *Preventing and Recognizing Child Sexual Abuse*

Districts may use Title II funds to provide **supplemental** professional learning for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.

13. *Supporting Science, Technology, Engineering, and Mathematics (STEM)*

Districts may use Title II funds to develop and provide **supplemental** professional learning and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science.

14. *Feedback Mechanisms to Improve School Working Conditions*

Districts may use Title II funds to further seek feedback to improve school working conditions related to those conditions identified through the results of the Teaching, Empowering, Leading and Learning (TELL) survey and other methods of analyzing working conditions.

15. *Supporting Postsecondary and Workforce Readiness*

Districts may spend Title II funds to provide **supplemental**, high-quality professional learning for teachers, principals, or other school leaders on effective strategies to integrate rigorous academic

content, career and technical education, and work-based learning, which may include providing common planning time, to help prepare students for postsecondary education and the workforce.

16. Other Activities

Districts may also spend Title II funds on other activities that meet Title II purposes (see “Purpose of the Title II Program” above) and are evidence-based to the extent the SEA (in consultation with Districts) determines that such evidence is reasonably available.

Equitable Services

1. Determination of Funds Available for Equitable Services to Private Schools

Title II funds are subject to equitable services requirements, as detailed in Title VIII of ESSA. In short, this means Districts must reserve funds to provide Title II services to eligible private school teachers and other educational personnel. Funds must be used to provide needs-based, academic professional learning to teachers and administrators of participating private schools. Funds may not be used to provide for professional learning that is religious-based.

ESSA changes the way Districts must reserve Title II funds for equitable services for private schools. Under NCLB, an LEA only had to reserve a share of the Title II, Part A money it spent on professional learning. Under ESSA, the reservation is now based on an LEA's entire Title II allocation. The following is an example from ED's guidance about how to calculate the equitable services reservation for the district:

EXAMPLE OF FORMULA TO DETERMINE AMOUNT FOR TITLE II, PART A EQUITABLE EXPENDITURES	
A. Number of Students	
A1: LEA Enrollment	900
A2: Participating Private Schools Enrollment	100
A3: Total Enrollment = A1 + A2	1,000
B. Title II, Part A Allocation	
B1: Total LEA Allocation	\$1,000,000
B2: Administrative Costs (for public and private school programs)	\$50,000
B3: LEA Allocation Minus Admin Costs = B1-B2	\$950,000
C. Per Pupil Rate	
C1: B3 divided by A3	\$950
D. Equitable Services	
Amount LEA must reserve for equitable services for private school teachers and other educational personnel = A2 x C1	\$95,000 ¹⁰²

2. Consultation

Districts are required to consult with at least one official from each private school. Although the district is required to maintain fiscal and programmatic control when providing Title II services to private schools, consultation offers a method of determining needs and provides a platform for each entity to voice opinions and concerns and to agree about the services. Consultation should be ongoing throughout the school year. Consultation topics should include issues such as:

¹⁰² See [ED 2016 Fiscal Changes Guidance](#), Q&A P-2.

- How the children's needs will be identified;
- What services will be offered;
- How, where, and by whom the services will be provided;
- How the services will be assessed and how the results of the assessment will be used to improve those services;
- The size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the amount of funds available for those services, and how that amount is determined;
- How and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through potential third-party providers; and
- Whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and
- Whether to provide equitable services to eligible private school children—
 - by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools; or
 - in the agency's participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend private schools.

3. State Equitable Services Ombudsman

To help ensure equitable services and other benefits for eligible private school children, teachers and other educational personnel, and families, an SEA must designate an ombudsman to monitor and enforce equitable services requirements under both Title I and Title VIII. KDE has designated a state ombudsman, who can be reached at KPSO@education.ky.gov.

Private school officials may file a complaint with the ombudsman if they believe adequate consultation has not occurred or if they believe services are not equitable. In this case, the complainant would send an email with electronic signature to the address above stating the nature of the complaint. The ombudsman would have 45 days from receipt to complete an investigation and issue a decision. A private school official may appeal the KDE decision to the U.S. Secretary of Education within 30 days of issuance. The Secretary must investigate and resolve the appeal within 90 days of its receipt.

Other Fiscal Requirements and Options

1. Supplement not Supplant

Districts that receive Title II funds must comply with the supplement not supplant requirement. In general terms, this means that Title II funds should add to (supplement) and not replace (supplant) state and local funds. In Title II supplanting is presumed when:

- An LEA uses Title II funds to pay for an activity that is required by federal, state or local law, or
- An LEA uses Title II funds to pay for an activity it supported with state or local funds the prior year, or
- An LEA pays for a service or resource in one school from a state/local funding source, while paying for the same from Title II funds at another school.

An LEA may be able to overcome a presumption of supplanting if it has written documentation (for example, state or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the activity and that the activity would not be carried out in the absence of the Title II, Part A funds.

2. Transferability

Districts may transfer up to 100% of its Title II, Part A funds to the following programs under ESSA.

Title I, Part A;
Title I, Part C;
Title I, Part D;
Title III, Part A;
Title IV, Part A; or
Title V, Part B.

Additionally, any amount of Title IV, Part A may be transferred into Title II, Part A. Transferring funds to other programs may allow for flexibility in the types of activities a district may implement. Further, funds are bound by the requirements to which they are transferred. This transfer process is completed through the application within the Grants Management Application and Planning (GMAP) system. If all funds are transferred into Title II, equitable services are provided according to the requirements of the program to which funds are transferred. If a portion of Title II funds is transferred, then equitable services may be provided from each program, based on the amount available to each after the transfer.

3. Recordkeeping

Districts participating in Title II, Part A must maintain records showing they are in compliance with applicable statutes and regulations and the activities implemented meets the program's purpose. When deciding what records to keep, KDE highly recommends reviewing the [Title II, Part A Monitoring Instrument](#). This document is organized by important requirement topics and provides examples of the types of documentation that may be maintained for each. This document offers the opportunity to self-monitor your program, as well.

Time and effort documentation must be maintained for staff paid fully or partially with Title II funds. Time and effort records prove that these staff work with the Title II program in a proportionate amount to which they are paid from the program. Documentation must:

- Be supported by a system of internal controls which provides reasonable assurance charges are accurate, allowable, and allocable to the program;
- Be incorporated into official records;
- Reasonably reflect total activity for which an employee is compensated;

- Encompass all the employee's activities, both federal and non-federal;
- Comply with established accounting policies and practices; and
- Support distribution among specific activities or cost objectives.

Sample time and effort reports may be found in Appendix A and Appendix B.

Spending Title III, Part A Funds to Support English Learners

Title III, Part A is an ED grant program that provides supplemental funding to help support English learners (ELs) and immigrant students. ED awards Title III, Part A funds to state educational agencies (SEAs), which then subgrant funds to local education agencies (LEAs).

Title III includes two types of subgrants to LEAs.

First are “formula” subgrants that must be used to support ELs in learning English and meeting state academic standard. These formula subgrants are available to LEAs that generate at least \$10,000 under a formula established in the Title III law. LEAs have the option of joining together to form a consortium to generate at least \$10,000 combined to qualify for Title III funds.

Second are “targeted” subgrants an SEA might award to LEAs that experience a significant increase in immigrant children and youth. These subgrants should provide immigrant children with enhanced instructional opportunities.

For more information about Title III please contact Gary Martin (gary.martin@education.ky.gov).

Purpose of Title III Subgrants to LEAs

In General

LEAs must use Title III funds for effective approaches and methodologies for teaching ELs and immigrant children and youth for the following:

- Developing and implementing new language instruction educational programs and academic content instructional programs for English learners (ELs) and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.
- Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for ELs and immigrant children and youth.
- Implementing schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for ELs and immigrant children and youth.
- Implementing LEA-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for ELs and immigrant children and youth.¹⁰³

Definition of English Learner and Immigrant Children and Youth under ESSA

Under ESSA, an “English learner,” when used with respect to an individual, means an individual —

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)(i) who was not born in the United States or whose native language is a language other than English;
- (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
- (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
- (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
 - (i) the ability to meet the challenging State academic standards;
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.¹⁰⁴

Under ESSA, the term “immigrant children and youth” means individuals who—

- (A) are aged 3 through 21;
- (B) were not born in any State; and
- (C) have not been attending one or more schools in any one or more States for more than 3 full academic years.¹⁰⁵

¹⁰³ ESSA, Section 3115(a). For federal non-regulatory guidance on the Title III program, please see U.S. Department of Education, *English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) (September 2016)*. This guidance will be referred to as *ED 2016 Title III, Part A Guidance* for the rest of this document.

¹⁰⁴ ESSA, Section 8101(20). Also, *ED 2016 Title III, Part A Guidance*, p. 43.

¹⁰⁵ ESSA, Section 3201(5). Also, *ED 2016 Title III, Part A Guidance*, p. 43.

Title III and the Supplement not Supplant Requirement

Title III is subject to a strict “supplement not supplant” (SNS) requirement that affects how Title III funds are spent.¹⁰⁶ Because SNS works differently in Title III than other federal programs this section addresses SNS before addressing other Title III spending issues.

At its most basic, SNS requires Title III funds to **add to (supplement) and not replace (supplant)** other federal, state, and local funds. Whether a cost complies with SNS is situation specific, but in general there **are three issues** to consider:

1. Compliance with SNS is tested using two “presumptions,”
2. An LEA may not use Title III funds to meet its civil rights obligations to EL students, and
3. In some circumstances, an LEA may use Title III funds to pay for EL-related activities under Title I, Part A.

Issue 1: Compliance with SNS is tested using two “presumptions”

The federal government presumes Title III supplanting in the following two situations:

1. An LEA uses Title III funds to provide services the LEA is required to make available under other laws, or
2. An LEA uses Title III funds to provide services the LEA paid for with state or local funds the prior year.¹⁰⁷

These presumptions can be “rebutted” (disputed with evidence) and possibly overcome if the LEA can show it could not have provided the services in question with state or local funds.¹⁰⁸

Example: Presumed Supplanting Violation

Paying for an interventionist that provides intensive small-group interventions to EL students with Title III funds would violate the second presumption of supplanting if the LEA paid for this interventionist with local funds the prior year.

NOTE: The LEA may be able to rebut this presumption of supplanting if it can show it did not have local funds available to pay for the interventionist.

Issue 2: An LEA may not use Title III funds to meet its civil rights obligations to EL students

Under the first presumption of supplanting an LEA may **not** use Title III funds to meet the requirements of federal, state, or local law. Under federal law, specifically Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA), LEAs have legal obligations to ensure that ELs can meaningfully and equally participate in educational programs and services.¹⁰⁹ ED guidance explains that to meet these civil rights obligations to EL students LEAs must:

- Identify and assess all potential EL students in a timely, valid, and reliable manner,
- Provide EL students with a language assistance program that is educationally sound and proven successful, consistent with *Castañeda v. Pickard* and the U.S. Supreme Court decision in *Lau v. Nichols*,
- Provide sufficiently well prepared and trained staff and support the language assistance programs for EL students,
- Ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities,

¹⁰⁶ ESSA, Section 3115(g).

¹⁰⁷ ED 2016 Title III, Part A Guidance, Question A-2.

¹⁰⁸ ED 2016 Title III, Part A Guidance, Question A-2.

¹⁰⁹ ED 2016 Title III, Part A Guidance, Question A-2 and A-3.

- Avoid unnecessary segregation of EL students,
- Ensure that EL students who have or are suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are identified, located, and evaluated in a timely manner and that the language needs of students who need special education and disability related services because of their disability are considered in evaluations and delivery of services,
- Meet the needs of EL students who opt out of language assistance programs,
- Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level content knowledge, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied,
- Evaluate the effectiveness of a school district’s language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program is reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time, and
- Ensure meaningful communication with limited English proficient (LEP) parents.¹¹⁰

Because Title III funds may **not** be used to meet legal obligations, including civil rights obligations, Title III may **not** be used to meet the obligations in the above list.

Example: Impermissible Title III Spending on Civil Rights Obligations
An LEA may not use Title III funds to identify EL students because identifying EL students is a civil rights obligation under Title VI and the EEOA. ¹¹¹

Example: Permissible Title III Supplemental Spending
An LEA that meets its civil rights obligations on staffing may use Title III funds to hire extra staff. For example, ED guidance states that an LEA may use Title III funds to hire a specialist on EL students with interrupted formal education or English learners with disabilities to provide supplemental support to these unique populations; an LEA could also use Title III funds to hire staff that would provide supplemental LEA-wide instructional support to teachers of ELs. ED guidance also notes that determinations about the supplement not supplant requirement in Title III are always fact-specific.

Issue 3: In some circumstances, an LEA may use Title III funds to pay for EL-related activities under Title I

Under the first presumption of supplanting, an LEA may not use Title III funds to meet the requirements of federal, state, or local law. Under No Child Left Behind (NCLB), this meant LEAs could not use Title III funds to pay for Title I, Part A’s EL-related requirements. Under ESSA, however, certain requirements that were previously part of the Title III program have moved to Title I, Part A. Because of this, ED guidance permits LEAs to use Title III funds to pay for activities that were in Title III under NCLB, but are now part of Title I, Part A in ESSA such as:

- EL parental notification regarding language instruction educational programs (LIEPs) and related information (ESEA Section 1112(e)(3)),
- Parental participation (e.g., regular EL parent meetings) (ESEA Section 1116(f)), and

¹¹⁰ ED 2016 Title III, Part A Guidance, Question A-3. Additional information about the civil rights obligations to EL students is available in the joint U.S. Department of Education and U.S. Department of Justice [Dear Colleague Letter \(2015\)](#).

¹¹¹ ED 2016 Title III, Part A Guidance, Question A-8.

- Reporting to the State on the number and percentage of ELs achieving English language proficiency (ESEA Section 1111(h)(2)).¹¹²

ED's guidance states that LEAs may only use Title III funds for activities that moved from Title III to Title I *if* they ensure that:

1. The activity being supported is consistent with the purposes of Title III and meets federal guidelines for "reasonable and necessary costs,"¹¹³
2. The activity being supported is supplemental to the LEA's civil rights obligations to ELs under Title VI of the Civil Rights Act and the EEOA, and
3. The LEA can demonstrate it is also using Title III funds to conduct activities required under Title III.¹¹⁴ (See below for more information about required Title III EL activities).

Please note LEAs may not use Title III funds for Title I, Part A activities that are *also* used to meet civil rights obligations. For example, under Title VI of the Civil Rights Act of 1964 and the EEOA, LEAs must track EL student progress in achieving English language proficiency. LEAs often use the annual English language proficiency (ELP) assessment, which is now required under Title I,¹¹⁵ to meet this civil rights obligation. If an LEA uses the annual ELP assessment to meet its civil rights obligations, Title III funds could not be used to pay for costs related to administering the ELP assessment.¹¹⁶

¹¹² ED 2016 Title III, Part A Guidance, Question A-4.

¹¹³ The concept of "reasonable and necessary" costs comes from federal regulations known as the Uniform Grant Guidance (UGG). See, for example, the discussion in *Basic Considerations* of the UGG, available at https://www.ecfr.gov/cgi-bin/text-idx?SID=1ab34260fd33363573a554baedb4aa24&mc=true&node=pt2.1.200&rgn=div5#sg2.1.200_1401.sg12.

¹¹⁴ ED 2016 Title III, Part A Guidance, Question A-4.

¹¹⁵ ESSA, Section 1111(b)(2)(G).

¹¹⁶ ED 2016 Title III, Part A Guidance, Question A-7.

How Title III Funds May Be Used

Title III includes two types of subgrants to LEAs.

First are “formula” subgrants available to LEAs (or a consortium of LEAs) must be used to support ELs in learning English and meeting state academic standards. These subgrants are available to LEAs generate at least \$10,000 under a formula established in the Title III law. LEAs have the option of joining together to form a consortium to generate at least \$10,000 combined to qualify for Title III funds. (These subgrants will be referred to as “Title III EL funds” in Section I below.)

Second are “targeted” subgrants a SEA might award to LEAs that experience a significant increase in immigrant children and youth. These subgrants should provide immigrant children with enhanced instructional opportunities. (These subgrants will be referred to as “Title III Immigrant funds” in Section II below.)

I. Title III EL Funds

LEAs must use Title III EL funds to assist ELs in learning English and meeting state academic standards.¹¹⁷

Required Uses of Title III EL Funds at the LEA-Level

LEAs must use Title III EL funds for **three** activities:

1. Providing **effective language instruction educational programs (LIEPs)** the meet the needs of ELs and demonstrate success in increasing English language proficiency and student academic achievement.¹¹⁸
2. Providing **effective professional development** to classroom teachers (including teachers in classroom settings that are not the settings of LIEPs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is:
 - Designed to improve the instruction and assessment of ELs,
 - Designed to enhance the ability to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs,
 - Effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers, and
 - Of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom.¹¹⁹
3. Providing and implementing other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which must include **parent, family, and community engagement activities**, and may include strategies that serve to coordinate and align related programs.¹²⁰

As with all Title III costs, these three required Title III EL activities – effective LIEPs, effective professional development, and effective parent, family, and community engagement activities – **must be supplemental to state and locally funded programming** the LEA is delivering to meet its civil rights obligations to EL students.

¹¹⁷ ESSA, Section 3115(a).

¹¹⁸ ESSA, Section 3115(c)(1). For federal guidance about LIEPs, please see *ED 2016 Title III, Part A Guidance*, Section C.

¹¹⁹ ESSA, Section 3115(c)(2). For federal guidance on educators of English Learners, including professional development, please see *ED 2016 Title III, Part A Guidance*, Section D.

¹²⁰ ESSA, Section 3115(c)(3). For federal guidance on parent, family, and community engagement, please see *ED 2016 Title III, Part A Guidance*, Section E.

More on Effective LIEPs

ED's 2016 Title III, Part A Guidance says that when analyzing whether an LIEP is effective, States and LEAs should consider whether the LIEP is:

- Driven by data on the unique needs of ELs, including distinct subgroups of ELs as discussed in this guidance, and responsive to student performance data as part of continuous improvement;
- Aligned with local needs identified through timely and meaningful consultation with a broad range of shareholders and examination of relevant data;
- Based on rigorous, relevant research on what instructional approaches are proven effective for promoting English language proficiency and high academic achievement (for more information on ways to improve student outcomes including using evidence, see the [Using Evidence to Strengthen Education Investments Non-Regulatory Guidance](#); Accompanied by a robust plan for implementation that may include, for example, a logic model or theory of action; well-defined, measurable goals; clearly outlined roles and responsibilities for people involved; and implementation timelines;
- Examined through performance monitoring, and if appropriate, evaluation, in order to make changes to improve LIEP implementation and effectiveness; and
- Included as part of a systemic approach to serving ELs, based on a State's English language proficiency standards and its academic content standards.

An example of relevant research is the Institute for Educational Sciences Practice Guide [“Teaching Academic Content and Literacy to English Learners in Elementary and Middle School”](#).

More on Professional Development

ESSA (Section 8101(42)) defines **“professional development”** as activities that—

(A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and
(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—

- (i) improve and increase teachers'—(I) knowledge of the academic subjects the teachers teach; (II) understanding of how students learn; and (III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;
- (ii) are an integral part of broad schoolwide and districtwide educational improvement plans;
- (iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;
- (iv) improve classroom management skills;
- (v) support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;
- (vi) advance teacher understanding of (I) effective instructional strategies that are evidence-based; and (II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;
- (vii) are aligned with, and directly related to, academic goals of the school or local educational agency;
- (viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;

- (ix) are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
- (x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;
- (xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;
- (xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;
- (xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;
- (xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;
- (xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in Section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;
- (xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of Title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;
- (xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and
- (xviii) where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

More on Parent, Family, and Community Engagement Activities

Section E of ED's 2016 Title III, Part A Guidance addresses Parent, Family and Community Engagement. Questions E-1 and E-4 of the guidance provides an outline of parent, family and community engagement activities that are allowable using Title III funds.

Authorized Uses of Title III Funds at the LEA-Level

In addition to spending on the required three activities above, LEAs may spend their Title III EL funds on other supplemental activities, including:

- Upgrading program objectives and effective instructional strategies,¹²¹

¹²¹ ESSA, Section 3115(d)(1).

- Improving the instructional program for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures,¹²²
- Providing to ELs tutorials and academic or career and technical education, and intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators,¹²³
- Developing and implementing effective preschool,¹²⁴ elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services,¹²⁵
- Improving the English language proficiency and academic achievement of ELs,¹²⁶
- Providing community participation programs, family literacy services, and parent and family outreach and training activities to ELs and their families to improve the English language skills of ELs, and to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children,¹²⁷
- Improving the instruction of ELs, which may include ELs with a disability, by providing for: the acquisition or development of educational technology or instructional materials; access to, and participation in, electronic networks for materials, training, and communication; and incorporation of these resources into curricula and programs,¹²⁸
- Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education,¹²⁹ and
- Carrying out other activities that are consistent with the purposes of Title III subgrants.¹³⁰

If an LEA uses its Title III EL funds for one of the above authorized activities, it must ensure the funds are supplemental, including the requirement that the funds not be used to meet its civil rights obligations under Title VI of the Civil Rights Act and the EEOA.

II. Title III Immigrant Funds

LEAs that have experienced a significant increase in immigrant children and youth might receive an Immigrant subgrant from their SEA. These Title III immigrant funds must be used to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, and may include:

- Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children,
- Recruitment of and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth,
- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth,
- Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program,

¹²² ESSA, Section 3115(d)(2).

¹²³ ESSA, Section 3115(d)(3).

¹²⁴ For more information on Title III and Early Learning, please see *ED 2016 Title III, Part A Guidance*, Section F.

¹²⁵ ESSA, Section 3115(d)(4).

¹²⁶ ESSA, Section 3115(d)(5).

¹²⁷ ESSA, Section 3115(d)(6).

¹²⁸ ESSA, Section 3115(d)(7).

¹²⁹ ESSA, Section 3115(d)(8).

¹³⁰ ESSA, Section 3115(d)(9).

- Basic instruction services that are directly attributable to the presence of immigrant children and youth in the LEA, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services,
- Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education, and
- Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.¹³¹

III. Other Spending Considerations and Rules

A. LEA-Level Administrative Costs

LEAs may use up to two percent of their Title III funds for direct administrative costs.¹³² Indirect costs are not part of the two percent cap.¹³³

B. Equitable Services

Title III funds are subject to an equitable services requirement.¹³⁴ In short, this means that the LEA must ensure that eligible private school students, their teachers, and other educational personnel are served by Title III.¹³⁵

¹³¹ ESSA, Section 3115(e). See also *ED 2016 Title III, Part A Guidance*, Question G-4.

¹³² ESSA, Section 3115(b).

¹³³ *ED 2016 Title III, Part A Guidance*, Question A-10.

¹³⁴ ESSA, Section 8501(b)(1)(C).

¹³⁵ *ED 2016 Title III, Part A Guidance*, Question C-6. See also *ED 2016 Fiscal Changes Guidance*, Section P.

Spending Title IV, Part A Funds for Student Support and Academic Enrichment

This section provides information about how local educational agencies (LEAs) can spend funds under the Student Support and Academic Enrichment (SSAE) grant program under Title IV, Part A, Subpart 1.¹³⁶

SSAE is an ED grant program that provides supplemental funding to help provide students with a well-rounded education, improve school conditions, and improve the use of technology. ED awards Title IV, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs.

Purpose of the SSAE Program

The purpose of the SSAE grant program is to improve students' academic achievement by increasing the capacity of states, LEAs, schools, and local communities to:

1. Provide all students with access to a well-rounded education,
2. Improve school conditions for student learning, and
3. Improve the use of technology in order to improve the academic achievement and digital literacy of all students.¹³⁷

¹³⁶ Title IV of ESSA is divided into different “parts” and “subparts,” each of which contains one or more grant programs. Title IV, Part A, Subpart 1, which is the focus of this handbook, is known as Student Support and Academic Enrichment (SSAE) Grants.

¹³⁷ ESSA, Section 4101. For federal non-regulatory guidance on the SSAE program, please see U.S. Department of Education, [Non-Regulatory Guidance: Student Support and Academic Enrichment Grants \(October 2016\)](#). This guidance will be referred to as *ED 2016 SSAE Guidance* for the rest of this document.

How SSAE Funds May Be Used

I. Use of Funds Overview

SSAE can pay for a wide range of activities to support:

- Well-rounded educational opportunities,
- Safe and healthy students, and
- The effective use of technology.

LEA spending options are listed in the section below, but there are several things to consider when deciding which activities to support including:

- LEA needs,
- School needs,
- The LEA's objectives and intended outcomes,
- Stakeholder input, and
- Funding floors and ceilings on certain activities.

A. Local Needs Assessment

LEAs that receive \$30,000 or more in SSAE funds must, at least once every three years,¹³⁸ conduct a comprehensive needs assessment of the following:

- Access to and opportunities for, a well-rounded education for all students,
- School conditions for student learning to create a healthy and safe school environment,
- Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.¹³⁹

LEAs that receive less than \$30,000 in SSAE funds do not have to conduct a formal needs assessment,¹⁴⁰ but are encouraged to consider the needs above when deciding how to spend SSAE funds.¹⁴¹

KDE has compiled a [list of free or low-cost tools](#) that districts may choose to use to identify needs in the three required content areas. Districts may also want to reference the "Questions to consider" about identifying local needs on pp. 15-16 of [ED's SSAE guidance](#).

B. Prioritizing High-Need Schools

LEAs must prioritize SSAE funds to schools that:

- Have the greatest needs as determined by the LEA,
- Have the highest percentages or numbers of low-income children,
- Are identified for comprehensive support and improvement under Title I,
- Are implementing targeted support and improvement plans under Title I, or
- Are identified as a persistently dangerous school under Section 8532.¹⁴²

¹³⁸ ESSA, Section 4106(d)(3).

¹³⁹ ESSA, Section 4106(d).

¹⁴⁰ ESSA, Section 4106(d)(2).

¹⁴¹ *ED 2016 SSAE Guidance*, p. 16 at footnote 14.

¹⁴² ESSA, Section 4106(e)(2)(A). ESSA requires LEAs to prioritize the distribution of funds to high-need schools. ED's SSAE guidance clarifies that an LEA can provide district-wide services with SSAE funds, but must prioritize activities for high-need schools (pp.14-15).

C. Objectives and Outcomes

LEAs must develop objectives for their SSAE programs and intended outcomes for SSAE-funded activities.¹⁴³ LEAs must use these objectives and outcomes to periodically evaluate the effectiveness of SSAE-funded activities.¹⁴⁴ LEAs must also provide SEAs with information about their progress towards their objectives and outcomes so SEAs can satisfy their reporting requirements.¹⁴⁵ LEAs may want to review ED's SSAE guidance on implementation planning (pp. 17-18) in the development of objectives and outcomes.

D. Stakeholder Engagement

LEAs must meaningfully consult with a wide array of shareholders when designing their SSAE programs.¹⁴⁶ They must also engage in continuing consultation with shareholders to improve SSAE activities and to coordinate SSAE activities with other activities conducted in the community.¹⁴⁷ LEAs may want to review [CCSSO's Stakeholder Engagement Guide](#).

E. Funding Floors and Ceilings

1. *Required activities*

Under ESSA, LEAs that receive \$30,000 or more in SSAE funds must spend:

- At least twenty percent on activities to support a well-rounded education,
- At least twenty percent to activities to support safe and healthy students, and
- At least some funds for activities to support the effective use of technology.¹⁴⁸ (Please note the cap on technology infrastructure below.)

Please note that a single activity can satisfy more than one category of required costs.¹⁴⁹

LEAs that receive *less* than \$30,000 in SSAE funds must meet at least one of the above requirements (that is, spend at least twenty on activities to support a well-rounded education or at least twenty percent on activities to support safe and healthy students or at least some funds for activities to support the effective use of technology).¹⁵⁰

2. *Cap on Technology Infrastructure*

Of the SSAE funds spent on technology, LEAs may not spend more than fifteen percent of those technology funds to purchase technology infrastructure.¹⁵¹ Specifically, this means that LEAs may not

¹⁴³ ESSA, Section 4106(e)(1)(E).

¹⁴⁴ ESSA, Section 4106(e)(1)(E).

¹⁴⁵ ESSA, Section 4104(a)(2); see also ESSA, Section 4106(e)(2)(F).

¹⁴⁶ Stakeholders include parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet SSAE purposes. Section 4106(c)(1).

¹⁴⁷ ESSA, Section 4106(c)(2).

¹⁴⁸ ESSA, Section 4106(e)(2)(C)-(E).

¹⁴⁹ *ED 2016 SSAE Guidance*, p. 13.

¹⁵⁰ ESSA, Section 4106(f).

¹⁵¹ ESSA, Section 4109(b).

spend more than fifteen percent of its SSAE technology funds on devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchases.¹⁵²

3. *Cap on Administrative Costs*

LEAs may not spend more than two percent of their SSAE funds on direct administrative costs.¹⁵³

II. Local SSAE Spending Options

What follows is an overview of all LEA SSAE spending options under the law, but spending in a specific LEA should be aligned to the spending floors and ceilings, the LEA's needs assessment (where required), and stakeholder input as described above. The spending options are organized by the three spending categories described in the law.

Activities to Support a Well-Rounded Education

LEAs may (and in some cases must¹⁵⁴) spend SSAE funds to develop and implement programs and activities that support access to a well-rounded education.¹⁵⁵ Activities should be coordinated with other schools and community-based services and programs.¹⁵⁶ They can also be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success.¹⁵⁷ Allowable activities are listed below.¹⁵⁸

A. *College and Career Guidance*

LEAs may use SSAE funds for college and career guidance and counseling programs like postsecondary education and career awareness and exploration activities, training counselors to effectively use labor market information in assisting students with postsecondary education and career planning, and financial literacy and Federal financial aid awareness activities.¹⁵⁹

B. *Music and Arts to Support Student Success*

LEAs may use SSAE funds for programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution.¹⁶⁰

C. *Science, Technology, Engineering, and Mathematics (STEM)*

LEAs may use SSAE funds for programs and activities to improve instruction and student engagement in STEM, including computer science.¹⁶¹ Examples include:

- Increasing access to high-quality courses for underrepresented student groups such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students,

¹⁵² *ED 2016 SSAE Guidance*, p. 32.

¹⁵³ ESSA, Section 4105(c).

¹⁵⁴ LEAs that receive \$30,000 or more in SSAE funds must spend at least twenty percent of funds on activities to support a well-rounded education. Section 4106(e)(2)(C).

¹⁵⁵ ESSA, Section 4107(a).

¹⁵⁶ ESSA, Section 4107(a)(1).

¹⁵⁷ ESSA, Section 4107(a)(2).

¹⁵⁸ For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance*, pp. 39-43.

¹⁵⁹ ESSA, Section 4107(a)(3)(A).

¹⁶⁰ ESSA, Section 4107(a)(3)(B).

¹⁶¹ ESSA, Section 4107(a)(3)(C).

- Supporting low-income students to participate in nonprofit competitions related to STEM subjects,
- Providing hands-on learning and exposure to STEM and supporting the use of field-based or service learning to enhance student understanding,
- Supporting the creation and enhancement of STEM-focused specialty school,
- Facilitating collaboration among school, afterschool program, and informal program personnel to improve the integration of programming and instruction, and
- Integrating other academic subjects, including the arts, into STEM subject programs to increase participation in STEM subjects, improve attainment of skills related to STEM subjects, and promote well-rounded education.¹⁶²

D. Accelerated Learning

LEAs may use SSAE funds to raise student academic achievement through accelerated learning programs that provide courses or instruction accepted for credit at institutions of higher education (like dual or concurrent enrollment courses, early college high school courses, AP and IB).¹⁶³

This can include reimbursing low-income students for part or all of the costs of accelerated learning examination fees, if the low-income students are enrolled in accelerated learning courses and plan to take accelerated learning exams.¹⁶⁴ (Please note LEAs may use SSAE funds to cover fees for exams taken in the 2016-2017 school year.¹⁶⁵)

It can also include increasing the availability of, and enrollment in, accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses.¹⁶⁶

Example: The Advance Kentucky Initiative is one example of an effective program that provides opportunities for students to access college courses. The Advance Kentucky Initiative works with local, state, and national partners to expand access to and participation and success in rigorous college level work in high school, particularly among student populations traditionally underrepresented in these courses. The program has been highly successful and has reported low-income students benefitting the most from an open enrollment environment with six times as many students earning qualifying AP scores as their control group peers. More information is available on the [Advance Kentucky website](#).

Example: Kentucky has developed options for students to participate in dual credit/dual enrollment opportunities. SSAE funds can be used to supplement dual credit scholarship opportunities, as well as providing additional supports for under-represented student populations to participate in dual credit/dual enrollment. More information about dual credit/dual enrollment is available on [KDE's dual credit/dual enrollment website](#).

E. Other Instructional Opportunities

LEAs may use SSAE funds for:

- Activities to promote the development, implementation, and strengthening of programs to teach traditional American history, civics, economics, geography, or government education,¹⁶⁷

¹⁶² ESSA, Section 4107(a)(3)(C)(i)-(vi).

¹⁶³ ESSA, Section 4107(a)(3)(D). See also ESSA, Section 4104(b)(3)(A)(i)(IV).

¹⁶⁴ ESSA, Section 4107(a)(3)(D)(i).

¹⁶⁵ ESSA, Section 4107(b).

¹⁶⁶ ESSA, Section 4107(a)(3)(D)(ii).

¹⁶⁷ ESSA, Section 4107(a)(3)(E).

- Foreign language instruction,¹⁶⁸ and
- Environmental education.¹⁶⁹

F. Volunteerism and Community Involvement

LEAs may use SSAE funds for programs and activities that promote volunteerism and community involvement.¹⁷⁰

G. Integrating Multiple Disciplines

LEAs may use SSAE funds to support educational programs that integrate multiple disciplines, such as programs that combine arts and mathematics.¹⁷¹

H. Other Activities

LEAs may use SSAE for other activities and programs to support student access to, and success in, a variety of well-rounded education experiences.¹⁷²

Activities to Support Safe and Healthy Students

LEAs may (and in some cases must¹⁷³) use SSAE funds to develop, implement and evaluate comprehensive programs and activities that:

- Are coordinated with other schools and community based services and programs,
- Foster safe, healthy, supportive, and drug-free environments that support academic achievement, and
- Promote parent involvement in activities or programs.¹⁷⁴

LEAs may conduct activities in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success.¹⁷⁵ Allowable activities are listed below.¹⁷⁶

A. Evidence-Based Drug and Violence Prevention

LEAs may spend SSAE funds on drug and violence prevention activities and programs that are evidence-based, to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available.¹⁷⁷

This can include:

- Programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes, and
- Professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention

¹⁶⁸ ESSA, Section 4107(a)(3)(F).

¹⁶⁹ ESSA, Section 4107(a)(3)(G).

¹⁷⁰ ESSA, Section 4107(a)(3)(H).

¹⁷¹ ESSA, Section 4107(a)(3)(I).

¹⁷² ESSA, Section 4107(a)(3)(J).

¹⁷³ LEAs that receive \$30,000 or more in SSAE funds must spend at least twenty percent of funds on activities to support safe and healthy students. Section 4106(e)(2)(D).

¹⁷⁴ ESSA, Section 4108(1)-(3).

¹⁷⁵ ESSA, Section 4108(4).

¹⁷⁶ For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance*, pp. 43-45.

¹⁷⁷ ESSA, Section 4108(5)(A).

mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention.¹⁷⁸

A list of substance abuse prevention evidence-based practices can be found on the [Substance Abuse and Mental Health Services Administration \(SAMHSA\) website](#).

B. School-Based Mental Health Services

LEAs may use SSAE funds for school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers.¹⁷⁹

LEAs may also use SSAE funds for school-based mental health services partnership programs that are conducted in partnership with a public or private mental health entity or health care entity, and provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are:

- Based on trauma-informed practices that are evidence-based (to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available),
- Coordinated (where appropriate) with early intervening services provided under the Individuals with Disabilities Education Act (IDEA), and
- Provided by qualified mental and behavioral health professionals who are certified or licensed by the state and practicing within their area of expertise.¹⁸⁰

LEAs must obtain prior written consent from the parent of each child under the age of 18 to participate in any mental-health assessment or service funded with SSAE and conducted in connection with school.¹⁸¹

Before obtaining consent, the LEA must provide the parent with written notice describing in detail:

- The mental health assessment or service,
- The purpose for the assessment or service,
- The provider of such assessment or service,
- When the assessment or service will begin, and
- How long such assessment or service may last.¹⁸²

Providing this consent does not waive any rights or protections under Family Educational Rights and Privacy Act (FERPA).¹⁸³

C. Health and Safety Activities or Programs

LEAs may use SSAE funds for programs or activities that:

- Integrate health and safety practices into school or athletic programs,
- Support a healthy, active lifestyle, including nutritional education and regular, structured physical education activities and programs, that may address chronic disease management with instruction led by

¹⁷⁸ ESSA, Section 4108(5)(A)(i)-(ii).

¹⁷⁹ ESSA, Section 4108(5)(A)(B)(i).

¹⁸⁰ ESSA, Section 4108(5)(A)(B)(ii).

¹⁸¹ ESSA, Section 4001(a)(1)(A). Please note informed written consent is not required in an emergency where it is necessary to protect the immediate health and safety of the child, other children, or LEA personnel. Informed written consent is also not required when the LEA actively seeks parental consent but cannot reasonably obtain it, including when a parent does respond to notice from the LEA, or the child is at least 14 years old and is considered an “unaccompanied youth” under Section 725 of the McKinney Vento Homeless Education Act. Section 4001(a)(2).

¹⁸² ESSA, Section 4001(a)(1)(B).

¹⁸³ ESSA, Section 4001(a)(1)(C).

school nurses, nurse practitioners, or other appropriate specialists or professionals to help maintain the well-being of students,

- Help prevent bullying and harassment
- Improve instructional practices for developing relationship-building skills, such as effective communication, and improve safety through the recognition and prevention of coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment,
- Provide mentoring and school counseling to all students, including children who are at risk of academic failure, dropping out of school, involvement in criminal or delinquent activities, or drug use and abuse,
- Establish or improve school dropout and reentry programs, or
- Establish learning environments and enhance students' effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports.¹⁸⁴

Example: The Olweus Bullying Prevention Program is a comprehensive, evidence-based model that utilizes annual surveys, classroom curriculum, implementation resources and training. When the program is implemented as written (with fidelity to program components and principles), positive outcomes for schools include: reductions in bullying behavior, lower rates of alcohol and other drug abuse; and improved academic achievement. Implementation should include the guidance and expertise of a certified Olweus trainer. KDE currently offers free training to schools in implementation of the Olweus Bullying Prevention Program on a first-come, first-served basis. SSAE funds can be used to cover the cost of substitutes during training and programs materials. More information is available on [KDE's Bullying Prevention Spotlight website](#).

Example: Kentucky received a federal grant to provide Sources of Strength training at no cost to schools, and SSAE funds could be utilized to cover the costs of substitutes and an additional needed training or implementation resources. Sources of Strength is a universal suicide prevention program listed on the National Registry of Evidence-based Programs and Practices (NREPP) and was the subject of one of the nation's largest studies on peer leaders and their impact in suicide prevention. The results of this study were published in 2010 in the American Journal of Public Health¹⁸⁵, showing:

- Increase in peer leaders' connectedness to adults
- Increase in peer leaders' school engagement
- Peer leaders in larger schools were four times more likely to refer a suicidal friend to an adult
- Among general student population the program increased positive perceptions of adult support for suicidal youth and the acceptability of seeking help
- Positive perception of adult support increased most in students with a history of suicidal thoughts

D. Addressing Trauma and Violence

LEAs may use SSAE funds for high-quality training for school personnel, including specialized instructional support personnel, related to:

- Suicide prevention,
- Effective and trauma-informed practices in classroom management,
- Crisis management and conflict resolution techniques,

¹⁸⁴ ESSA, Section 4108(5)(C).

¹⁸⁵ Wyman, P. et al. (2010). An outcome evaluation of the Sources of Strength suicide prevention program delivered by adolescent peer leaders in high schools. *American Journal of Public Health*, Vol. 100: 1653-1661

- Human trafficking,¹⁸⁶
- School-based violence prevention strategies,
- Drug abuse prevention, including educating children facing substance abuse at home, and
- Bullying and harassment prevention.¹⁸⁷

Example: SSAE funds could be used to cover substitutes or provide stipends to cover the training of all school staff in Youth Mental Health First Aid (YMHFA), which is part of KDE's Project AWARE (Advancing Wellness and Resilience in Education). YMHFA is an evidence-based program designed to give adults the skills to help young people who are developing a mental health problem or experiencing a mental health crisis. This free 8-hour course teaches how to identify, understand and respond to signs of addiction and mental illness. It explains the unique risk factors and warning signs of mental health problems in adolescents ages 12-18 and emphasizes the importance of early intervention. YMHFA training may be offered all in one day or over two or four shorter sessions. More information is available on [KDE's AWARE YMHFA website](#).

E. Addressing Sexual Abuse

LEAs may use SSAE funds for child sexual abuse awareness and prevention programs or activities, such as programs or activities designed to provide:

- Age-appropriate and developmentally-appropriate instruction for students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse, and
- Information to parents and guardians of students about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child.¹⁸⁸

F. Reducing Exclusionary Discipline Practices

LEAs may use SSAE funds for designing and implementing a locally-tailored plan to reduce exclusionary discipline practices in elementary and secondary schools that:

- Is consistent with best practices,
- Includes strategies that are evidence-based (to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available), and
- Is aligned with the long-term goal of prison reduction through opportunities, mentoring, intervention, support, and other education services.¹⁸⁹

G. Positive Behavioral Interventions and Supports

LEAs may use SSAE funds to implement schoolwide positive behavioral interventions and supports.¹⁹⁰ This can include coordinating with similar IDEA activities to improve academic outcomes and school conditions for student learning. Additional information about behavior intervention resources in Kentucky is available on [KDE's Behavioral Intervention website](#).

¹⁸⁶ Defined as an act or practice described in paragraph (9) or (10) of section 103 of the [Trafficking Victims Protection Act of 2000 \(22 U.S.C. 7102\)](#).

¹⁸⁷ ESSA, Section 4108(5)(D).

¹⁸⁸ ESSA, Section 4108(5)(E).

¹⁸⁹ ESSA, Section 4108(5)(F).

¹⁹⁰ ESSA, Section 4108(5)(G).

H. Resource Coordinator

LEAs can use SSAE funds to designate a site resource coordinator to provide a variety of services like:

- Establishing partnerships within the community to provide resources and support for schools,
- Ensuring that all service and community partners are aligned with the academic expectations of a community school in order to improve student success, and
- Strengthening relationships between schools and communities.¹⁹¹

I. Pay for Success

LEAs may use pay for success initiatives aligned with the goal of supporting safe and healthy students.¹⁹²

A pay for success initiative is a performance-based grant, contract, or cooperative agreement awarded by a public entity in which a commitment is made to pay for improved outcomes that result in social benefit and direct cost savings or cost avoidance to the public sector.¹⁹³

Activities to Support the Effective Use of Technology

LEAs may (and in some cases must¹⁹⁴) use SSAE funds to improve the use of technology to improve the academic achievement, academic growth and digital literacy of all students.¹⁹⁵ Of the amount an LEA chooses to spend on technology, only fifteen percent may be used for technology infrastructure. Please see section above “Funding Floors and Ceilings” for more information about this fifteen percent cap.

Allowable activities are listed below.¹⁹⁶

A. Professional Learning

LEAs may use SSAE funds to provide educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to:

- Personalize learning to improve student academic achievement,
- Discover, adapt, and share relevant high-quality educational resources,
- Use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies, and
- Implement and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning.¹⁹⁷

B. Technological Capacity and Infrastructure

LEAs may use SSAE funds to build technological capacity and infrastructure, which may include:

- Procuring content and ensuring content quality, and
- Purchasing devices, equipment, and software applications in order to address readiness shortfalls.¹⁹⁸

¹⁹¹ ESSA, Section 4108(5)(H)

¹⁹² ESSA, Section 4108(5)(I).

¹⁹³ ESSA, Section 8101(40). More information about pay for success initiatives is available from [ED’s Pay for Success website](#).

¹⁹⁴ LEAs that receive \$30,000 or more in SSAE funds must spend some SSAE funds on activities that support the effective use of technology. Section 4106(e)(2)(E).

¹⁹⁵ ESSA, Section 4109(a).

¹⁹⁶ For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance*, pp. 46-47.

¹⁹⁷ ESSA, Section 4109(a)(1).

¹⁹⁸ ESSA, Section 4109(a)(2).

LEAs may not spend more than fifteen percent of the SSAE funds used for technology on technology infrastructure.¹⁹⁹

C. *Delivering Courses through Technology*

LEAs may use SSAE funds to develop or use effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology.²⁰⁰

D. *Blended Learning*

LEAs may use SSAE funds to carry out blended learning projects, which must include:

- Planning activities like developing new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases (that do not include significant construction or renovation of facilities) (please note all technology infrastructure costs count towards the fifteen percent cap noted above), or
- Ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project.²⁰¹

E. *Professional Development on Use of Technology in STEM Areas*

LEAs may use SSAE funds to provide professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers and instructional leaders to increase student achievement in STEM areas.²⁰²

F. *Access to Digital Learning Experiences*

LEAs may use SSAE funds to provide students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators.²⁰³

III. Other Spending Rules

A. *Supplement not Supplant*

LEAs that receive SSAE funds must comply with a supplement not supplant requirement.²⁰⁴ In general terms, this means that SSAE funds should add to (supplement) and not replace (supplant) state and local funds.

For the SSAE program, supplanting is presumed when:

- An LEA uses SSAE funds to pay for an activity that is required by federal, state or local law, or
- An LEA uses SSAE funds to pay for an activity it supported with state or local funds the prior year.²⁰⁵

¹⁹⁹ ESSA, Section 4109(b).

²⁰⁰ ESSA, Section 4109(a)(3).

²⁰¹ ESSA, Section 4109(a)(4).

²⁰² ESSA, Section 4109(a)(5).

²⁰³ ESSA, Section 4109(a)(6).

²⁰⁴ ESSA, Section 4110.

²⁰⁵ *ED 2016 SSAE Guidance*, p. 14.

- An LEA may overcome a presumption of supplanting if it has written documentation (e.g., State or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the activity and that the activity would not be carried out in the absence of the SSAE program funds.²⁰⁶

B. Equitable Services

SSAE funds are subject to an equitable services requirement.²⁰⁷ In short, this means LEAs must reserve funds to provide SSAE services to eligible private school children, teachers, and other educational personnel in private schools.²⁰⁸

For more information about SSAE, please contact KDE's Division of Student Success at 502-564-4772.

²⁰⁶ *ED 2016 SSAE Guidance*, p. 14

²⁰⁷ ESSA, Section 4106(e)(2)(b); ESSA, Section 8501(b)(1)(D).

²⁰⁸ *ED 2016 SSAE Guidance*, p. 13, in particular footnote 13. See also *ED 2016 Fiscal Changes Guidance*, Section P.

Appendix A
PERSONAL ACTIVITY REPORT (PAR)
Personnel Paid 100%

School District _____

Employee Name _____

Employee ID # _____

Payroll records must document the staff at the district and school level paid completely from Title funds. This PAR may be used to document these staff members' time and effort.

- District personnel whose salary is paid in whole from Title funds must certify, on a semiannual basis (twice a year), that he/she worked solely on that program for the period covered.
- The certification must indicate the period covered by the certification and must be signed by the employee and the supervisor who has first-hand knowledge of the work performed.

This certifies that the employee has worked solely with Title funds for the period covered by this certification.

Date: _____ **to** _____

Employee Signature:

Supervisor Signature:

Date Signed:

Date Signed:

This certifies that the employee has worked solely with Title funds for the period covered by this certification.

Date: _____ **to** _____

Employee Signature:

Supervisor Signature:

Date Signed:

Date Signed:

Appendix B

PERSONAL ACTIVITY REPORT (PAR)

Personnel Partially Paid

School District _____

Month _____

Employee Name _____

Employee ID # _____

Payroll records must document the staff at the district and school level paid partially from Title funds.

- District personnel partially paid from Title funds must certify on a monthly basis that he/she worked a proportionate amount of time in each program from which he/she is paid.
- The certification must indicate the period covered by the certification and must be signed by the employee and the supervisor who has first-hand knowledge of the work performed.

Reporting Period	PROGRAM	PROGRAM	PROGRAM	TOTAL HRS PER DAY	Reporting Period	PROGRAM	PROGRAM	PROGRAM	TOTAL HRS PER DAY
Day of Month					Day of Month				
1					16				
2					17				
3					18				
4					19				
5					20				
6					21				
7					22				
8					23				
9					24				
10					25				
11					26				
12					27				
13					28				
14					29				
15					30				
					31				
TOTALS 1-15					TOTALS 16-31				
This certifies that the employee has completed work during the time period for the federal programs as indicated.									
Employee Signature:					Supervisor Signature:				
Date Signed:					Date Signed:				

Glossary

The following definitions are taken directly from ESSA Section 8101, EDGAR, and the UGG.

1. **EVIDENCE-BASED**— The term “evidence-based”, when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that—
 - (i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—
 - (I) strong evidence from at least 1 well-designed and well-implemented experimental study;
 - (II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or
 - (III) promising evidence from at least 1 well designed and well-implemented correlational study with statistical controls for selection bias; or
 - (ii)
 - (I) demonstrates a rationale based on high quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and
 - (II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.
2. **COST OBJECTIVE**—The term “cost objective” means a program, function, activity, award, organizational subdivision, contract, or work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capital projects, etc. A cost objective may be a major function of the non-Federal entity, a particular service or project, a Federal award, or an indirect (Facilities & Administrative (F&A)) cost activity.
3. **GIFTED AND TALENTED**—The term “gifted and talented”, when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.
4. **MULTI-TIER SYSTEM OF SUPPORTS**—The term “multitier system of supports” means a comprehensive continuum of evidence-based, systemic practices to support a rapid response to students’ needs, with regular observation to facilitate databased instructional decision making.
5. **PARAPROFESSIONAL**—The term “paraprofessional”, also known as a “paraeducator”, includes an education assistant and instructional assistant.
6. **PARENT**—The term “parent” includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare).
7. **PARENTAL INVOLVEMENT**—The term “parental involvement” means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—
 - (A) that parents play an integral role in assisting their child’s learning;
 - (B) that parents are encouraged to be actively involved in their child’s education at school; (C) that parents are full partners in their child’s education and are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and (D) the carrying out of other activities, such as those described in section 1116.

8.(42) PROFESSIONAL DEVELOPMENT—The term “professional learning” means activities that—

(A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and

(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—

- (i) improve and increase teachers’—
 - (I) knowledge of the academic subjects the teachers teach;
 - (II) understanding of how students learn; and
 - (III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;
- (ii) are an integral part of broad schoolwide and districtwide educational improvement plans;
- (iii) allow personalized plans for each educator to address the educator’s specific needs identified in observation or other feedback;
- (iv) improve classroom management skills;
- (v) support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;
- (vi) advance teacher understanding of—
 - (I) effective instructional strategies that are evidence-based; and
 - (II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;
- (vii) are aligned with, and directly related to, academic goals of the school or local educational agency;
- (viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;
- (ix) are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
- (x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;
- (xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional learning;
- (xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;
- (xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;
- (xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

(xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

(xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

(xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

(xviii) where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

9. WELL-ROUNDED EDUCATION—The term “well-rounded education” means courses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience.